

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3860 OF 2025

Ramlalit Panchu Yadav ...Applicant

Versus

The State of Maharashtra and Anr. ...Respondents

Ms.Suvarna Avhad vast a/w Adv. Manali Sohoni, Dishan
Deshmukh, Dhruvi Ostwal for the Applicant

Ms. Sangeeta Shinde, APP, for the Respondent-State.

Ms. Komal Sinha for the Respondent No.2- victim

Ms. Usha Khose, P.S.I. M.H.B. Police Station.

CORAM: R. M. JOSHI, J.

DATED: 24th APRIL, 2026

PC:-

1. Applicant seeks bail in connection with C.R. 222 of 2025 registered with MHB Police Station for the offences punishable under Section 64 of Bharatiya Nyaya Sanhita, 2023 (in short '**B.N.S**') and Sections 6, 8 and 12 of the Protection of Children from Sexual Offences (in short '**POCSO**') Act, 2012.

2. In short, it is a case of the prosecution that informant,

the mother of the victim girl aged about 04 years, claims to have seen the victim in the house of the applicant, who is their tenant. It was found that victim was sleeping and her innerwear was not in an appropriate position. She claims that victim informed her about the wrong things being done by the applicant with her. On the basis of this information offence came to be registered against the applicant. The Victim was sent for medical examination in three different hospitals and their medical examination was done on 21.04.2026, 23.04.2026 and 25.04.2026. On conclusion of the investigation, chargesheet is filed.

3. Learned counsel for the applicant submits that there are material inconsistencies in the statement of informant. It is further pointed out that there is absolutely no medical evidence in order to support the allegation of alleged act inserting finger in private part of victim being done by the applicant. It is argued that, applicant is a tenant and in order to remove him from the premises, he is being falsely implicated.

4. Learned APP opposed the application by contending that the charge has been framed against the applicant and that it would be appropriate to allow the Trial Court to record evidence of victim and informant before consideration of application for bail.

5. Learned counsel for the Respondent No.2 opposed the application by pointing out that the inconsistencies in the statement of the informant would become relevant for deciding application for bail. In support of this submission she placed reliance on the statement of the victim which according to her, is consistent at all stages of investigation.

6. Learned APP and Learned counsel for Respondent No.2 apprehends pressurising victim and witnesses at the instance of the applicant, if he is released on bail. Learned counsel for the applicant on instructions makes statement that he would not entered the jurisdiction of MHB Police Station till conclusion of the trial.

7. There cannot be any dispute made with regard to the proposition sought to be canvassed on behalf of counsel for

the Respondent No.2 that the consistent statement and reliable statement can become a ground and sole basis for conviction of the accused. Here in this case however, the victim is aged about 04 years and it is the mother of the victim who disclosed the occurrence of the incident to the police as well as to the medical officer. As rightly argued on behalf of the counsel for the applicant, that a totally different version of the incident has been given by the informant at three different times.

8. *Prima-facie*, perusal of these versions indicate that the inconsistencies are materially in nature and cannot be ignored even at this stage. Coupled with the fact that there are inconsistencies in the statement of informant, there is absolutely no medical evidence to support the allegation against the applicant. This Court finds substance in the contention of counsel for the applicant that in case of act of inserting of finger into vagina of victim of such age, there would be some medical evidence to indicate so, which is absent herein.

9. In the light of the above fact from the statement of the witnesses indicate that after the arrest of the applicant in this crime, his wife has been removed from the said premises. This supports the allegation of the counsel for the applicant that the possibility of the false implication for removal of the tenant from the said premises is not ruled out. Though the charge has been framed, owing to the pendency before the Trial Court the possibility of completion of the trial in reasonable time is remote.

10. Applicant has no criminal history, he is not likely to flee from justice. Hence, the following order:-

ORDER

- i) Application stands allowed.
- ii) The applicant shall be released on bail in C.R. 222 of 2025 registered with MHB Police Station, on furnishing P.R. Bond of Rs. 15,000/- and one surety in the like amount to the satisfaction of the Trial Court.
- iii) The applicant shall attend the proceedings before the Trial Court on every date, unless exempted.

- iv) The applicant shall not enter the jurisdiction of MHB Police Station, during the pendency of the trial.
- v) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.
- vi) In view of the above, application stands disposed of.

R. M. JOSHI, J.