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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3891 OF 2025

Ganesh @ Shubham Tukaram Pawar

...Applicant

VERSUS

State Of Maharashtra And Anr

...Respondents

Mr. Priyal G. Sarda, Advocate for Applicant.

Ms. Gauri Rao, APP for Respondent-State.

Mr. Sandeep Salunke, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th APRIL, 2026.

P.C. :

1. Heard learned counsel for the Applicant, learned APP and learned counsel for Respondent No.2.
2. By this application, the applicant is seeking regular bail in Crime No. 84 of 2019 registered with Bharti Vidyapeeth Police Station, Pune City for the offences punishable under Sections 376, 363, 354, 342, 34 of the Indian Penal Code (for short 'IPC') and under Sections 4,8, 12 of the Protection of Children from Sexual Offences and under Sections 3(1) (w), (i), (ii), 3(2)(v) & 3(2)(va) of SCST Act.
3. It is prosecution's case that Applicant and co-accused repeatedly sexually assaulted minor daughter of the first informant by threatening her.

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4. It is contention of learned counsel for the applicant that applicant is behind bars for more than seven years and four months, yet trial is not concluded. At the time of incident, applicant was 18 years' old. Physical relation between the applicant and victim were consensual. There is delay in lodging the FIR. The minimum sentence for the offence committed by the applicant is 7 years under POCSO Act. Applicant has no antecedent and requested to allow the application.

5. It is contention of learned APP along with learned counsel for Respondent No.2 that Applicant and co-accused repeatedly sexually assaulted the victim by threatening her. At the time of incident victim was 16 years' old. Trial is in progress. Prosecution has examined some witnesses. The minimum sentence imposed for the offence committed by the applicant is 10 years. If applicant is released on bail, he may threaten the victim and prosecution witnesses and requested to reject the application.

6. Learned counsel for Respondent No.2 in support of his submissions, relying on the judgments of the Hon'ble Supreme Court as well as this Court as follows:

- (i) In case of Special Leave Petition (Criminal No. 13378 of 2024
- (ii) In case of Rakesh Ramnivas Sharma Vs. Bharti Shirish Kadam and Anr. in Criminal Writ Petition No. 3797 of 2022.
- (iii) State of Himachal Pradesh Vs. Hukum Chand Alias Monu in

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Criminal Appeal No. 1275 of 2015.

7. I have heard all learned counsel. Perused charge-sheet and documents produced on record.

8. Applicant is behind bars for more than 7 years and 4 months. The minimum punishment for the offence applied against the Applicant is 10 years. At the time of incident applicant was 18 years' old. He has no antecedent. Yet trial is not over. I have gone through the case laws cited by learned counsel for Respondent No.2. As minimum sentence for the sections applied against the applicant is 10 years and Applicant has undergone more than 7 years and 4 months, yet trial is not over and it may take time to conclude the trial.

9. Considering these facts, I pass following order:

ORDER

(i) The Applicant- Ganesh @ Shubham Tukaram Pawar be released on bail in Crime No. 84 of 2019 registered with Bharti Vidyapeeth Police Station, Pune City, on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) The Applicant shall not contact to first informant and victim.

(iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) The Trial Court shall decide the case on its own merits and in

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accordance with law, uninfluenced by the observations made in this order.

(v) The Applicant shall attend the concerned Police Station as and when required.

(vi) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)