

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3914 OF 2025

Bhagvan Vaman Sandanshiv	...Applicant
<i>Versus</i>	
State of Maharashtra And Anr.	...Respondents

Mr. Jyotiram S. Yadav, for the Applicant.
Mr. S. K. Gajare, APP, for the Respondent No.1- State.
Ms. Priyanka S. Yadav, for the Respondent No.2.
Adv. Ashinii Achari, Amicus Curiae.
PSI Bajrang Desai, Samta Nagar Police Station, Mumbai, is present.

CORAM: R. M. JOSHI, J.

DATED: 15th APRIL, 2026

PC:-

1. Applicant seeks bail in connection with Crime No. 570 of 2023 registered with Samta Nagar Police Station, Mumbai City, for the offences punishable under Section 354 of the Indian Penal Code, 1860 (for short "IPC") and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').
2. The First Information Report indicates that according to the informant, Applicant, aged about 60 years, outraged modesty of a minor girl by touching her inappropriately. On the basis of the said report, offence came to be registered against the Applicant. There is no dispute about the fact that the Applicant is in jail for over a period of two and half years.

3. Learned Counsel for the Applicant submits that even without giving into the merit of the case, in view of Section 479 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the Applicant would be entitled to pay as he has undergone detention for the period extending upto one half of the maximum period of imprisonment specified for the offence.

4. Learned APP and learned Counsel for the Respondent No.2 opposed grant of bail.

5. Learned Counsel for Respondent No.2 and Learned APP apprehends pressurizing at the hands of the Applicant to the victim and witnesses, if he is enlarged on bail. Learned Counsel for the Applicant, on instructions, makes statement that the Applicant would not enter the jurisdiction of any of the police stations in Kandivali Police Station till conclusion of trial.

6. The offence charged against the Applicant is punishable with imprisonment of maximum period of five years. Applicant is in jail for over a period of two and half years. Thus provision of Section 479 of BNSS apply to the instant case. Applicant is aged about 62 years with no criminal history behind him. He is not likely to flee from justice. Hence, order :-

ORDER

- i) Criminal Bail Application stands allowed in connection with Crime No. 570 of 2023 registered with Samta Police Station, Mumbai, for the offences punishable under Section 354 of the Indian Penal Code, 1860 and Sections 8 of the Protection of Children From Sexual Offences Act, 2012.
- ii) The Applicant be enlarged on bail, on furnishing P. R. Bond of Rs.15,000/- with one surety in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicant not to contact victim or witnesses, in any manner, whatsoever.
- iv) As undertaken, Applicant not to enter the jurisdiction of all police station in Kandivali, Mumbai, till conclusion of trial.
- v) Applicant to attend all dates of hearing before the Trial Court, unless exempted by specific order.
- vi) Any breach of the aforestated condition shall result forthwith into cancellation of bail.

7. In view of the above, Application stands allowed and disposed of accordingly.

8. It is clarified that the above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the final hearing of the Trial Case.

(R. M. JOSHI, J.)

VDMokal/-