

Akash

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3918 OF 2025

Kishor Dattatray Pednekar	...Applicant
<i>Versus</i>	
State of Maharashtra & Anr.	...Respondents

Mr. Saurabh Mehta, for the Applicant.
Mr. R. M. Pethe, APP for the Respondent - State.
Mr. Viral Mukte, for the Respondent No.2.
Mr. Sandip Jarande, PSI, Nirmal Nagar Police Station, present.

CORAM: R. M. JOSHI, J.

DATED: 15th APRIL, 2026.

PC:-

1. By this application, the applicant seeks bail in connection with C.R. No.211 of 2025 registered with Nirmal Nagar Police Station, District Mumbai Up-Nagar, for the offences punishable under Sections 74 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short "**BNS**") and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short "**POCSO**"),

2. The First Information Report came to be lodged on 07th May 2025 in respect of incident occurred on 05th May 2025 at 07:30 p.m. On that day the victim aged about 09 years came home in

frightened way and disclosed the incident occurred to her mother. According to the victim, the present applicant -Kishor Pednekar in appropriately touched her private parts and threatened her not to disclose the same to anyone. On the basis of the said information offence came to be registered against the applicant. Statements of witnesses were recorded by Police as well as before the Magistrate. On conclusion of investigation the chargesheet is filed. Applicant came to be arrested on 07th May 2025.

3. The learned Counsel for the applicant submits that the applicant is aged about 67 years and he is in jail since 07th May 2025. It is his submission that the charge has not been framed and hence there is no possibility of trial getting over in a reasonable time. It is his further submission on merit that there are inconsistencies in the statements of victim and her friends with regard to the disclosure of the incident to or friends. It is submitted that since the Applicant scolded the victim for sparing water, present report came to be lodged against him.

4. Learned APP and learned counsel for the Respondent No.2 oppose the application by pointing the statement of victim recorded by Police as well as before the Magistrate. It is submitted

that the said statement gets due support from the statement of friend of the victim. According to them there are no inconsistencies in their statement and there is no reason for false implication of the applicant. Learned Counsel for the Respondent No.2 submits that in any case the bail should not be granted the applicant unless the evidence of the victim is recorded. To support his contention he drew attention of this Court to the statement of victim recorded under Section 183(5) of BNSS wherein he has stated about an attempt being made by son of the applicant to pressurize the victim's mother.

5. The sole question arises before this Court is as to whether the bail application filed by applicant aged about 67 years can be rejected when the offences charged against him are punishable with maximum sentence of 07 years. From 07th May 2025 applicant is in jail. Charge has not been framed. There is no chance of trial getting over within a reasonable period of time. Without getting into the merits of the case, solely on this ground applicant is entitled for bail.

6. Learned counsel for the Respondent No.2 apprehends pressurizing of the victim and witnesses at the instance of the applicant if he is enlarged on bail. In response to this submission, learned counsel for the applicant on instructions made statement that the applicant will not enter the area of Bandra (East & West) including all Police Stations within the jurisdiction of Bandra.

7. In view thereof, the following order is passed :-

ORDER

- (i) Criminal Bail Application No.3918 of 2025 stands allowed, in connection with C.R. No.211 of 2025 registered with Nirmal Nagar Police Station, District - Mumbai Up-nagar, the applicant be enlarged on bail on furnishing PR Bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the Trial Court.
 - (ii) As undertaken applicant shall not enter the jurisdiction of any Police Station Bandra till conclusion of trial.
 - (iii) The applicant shall not directly or indirectly or in any manner whatsoever shall contact victim or any witnesses and not to pressurize them.
 - (iv) The applicant to attend all dates of hearing before the Trial Court unless exempted.
 - (v) Any breach of above condition shall result into cancellation of bail.
8. The above observations made in this order are prima-facie in nature and will not bind parties or Trial Court during trial.

9. In view of the above, the Bail Applicant stands disposed of.

(R. M. JOSHI, J.)