

Akash

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4036 OF 2025

Vinod Bhagesing Bisht ...Applicant
Versus
State of Maharashtra & Anr. ...Respondents

Mr. Noman Jafri a/w Zaid Siddiqui, for the Applicant.
Ms. S. D. Shinde, APP for the Respondent - State.
Ms. Kanchan Pawar, for the Respondent No.2.
Mr. Vaibhav Rupvate, PSI, Vashi Road 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.200 of 2025 registered with Vashi Police Station, District Navi Mumbai, for the offences punishable under Section 64(1) of the Bharatiya Nyaya Sanhita, 2023 (for short "**BNS**") and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 (for short "**POCSO**"),

2. The First Informant is a minor girl who has made specific allegations against the present applicant aged about 46 years stating that the applicant has established forcible physical/ sexual relationship with her on 8 to 10 occasions. The informant disclosed

the said incident to her friends and thereafter went to Police for lodging the report. On the basis of the First Information Report offence came to be lodged against him. The victim was sent for medical examination. The Investigating Officer recorded statements of witnesses. The victim was also sent for ossification test wherein her age was determined at 15 years and 6 months. After conclusion of investigation chargesheet has been filed against the applicant.

3. Learned counsel for the applicant submits that there is delay in lodging the First Information Report. According to him the alleged incident have occurred between 13th March 2025 till 16th April 2025, however, no immediate report came to be lodged which creates the doubts about the same. He also argued that there is no evidence indicating victim to be minor at the relevant time. According to him the applicant is in jail since 17th April 2025, however, charge has not been framed and hence there is no possibility of conclusion of trial in a reasonable time.

4. Learned APP and learned counsel for the Respondent No.2 oppose the application. According to them statement of the victim gets due support from the witnesses to whom victim disclosed the

incident in question. It is submitted that the ossification test conducted during the course of investigation indicates the age of the victim to be 15 years and 6 months. It is their further contention that having regard to the *prima facie* evidence on record, this is not a case for grant of bail. Finally it is submitted that the offence is punishable with 20 years minimum sentence and hence only on the ground that the applicant is in jail for a period of year, he is not entitled to seek bail.

5. *Prima facie* perusal of the record indicates that the victim lodged report after she disclosed the same to her friends and thereafter she could gather courage to go to the Police. There is nothing on record to indicate that this could be a case of false implication. As rightly argued on behalf of the prosecution that the statements of witnesses support the case of the informant. Further, *prima facie* there is evidence to show that the victim is minor. The offence charged against the applicant is punishable with minimum sentence of 20 years and as such only on the ground that the applicant is in jail for a period of one year, he cannot be enlarged on bail.

6. In view of the above discussions, the applicant has failed to make out any case for grant of bail. Hence, the Bail Application stands dismissed.

(R. M. JOSHI, J.)