

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4054 OF 2025

Raju Ganpat Kamble	...Applicant
<i>Versus</i>	
State of Maharashtra & Anr.	...Respondents

Mr. Niranjan Mundargi, with Keral Mehta, Vinayak Patil, Ketki Dandekar, i/by Vinod Vasant Utekar, for the Applicant.
Mr. A.S.Gawai, APP for the Respondent-State.
Mr. Rajesh Kisan Shinde, for the Respondent No.2.
Mr. Sachin Desai, PSI attached to Shanti Ngar Police Station, Thane, present.

CORAM: R. M. JOSHI, J.
DATED: 10th APRIL, 2026.

PC:-

1. The Applicant seeks bail in connection with Crime No.0694 of 2025 registered with Shanti Nagar Police Station, Thane City for the offences punishable under Sections 65(1), 351(1) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act')
2. In short, it is the case of the prosecution that the Applicant, who is said to have been in live-in relationship with the paternal aunt of the Victim, sexually abused her since September 2024 till June 2025. After the occurrence of the last incident, the Victim, the

minor girl informed the same to her grand-mother, who in turn told the same to the mother of the Victim. The Informant lodged the report against the Applicant. The Victim was sent for medical examination. Her statements were recorded under Sections 161 as well as 164 of the Code of Criminal Procedure, 1973 ('Cr.P.C.'). On conclusion of investigation, the charge-sheet is filed.

3. Learned counsel for the Applicant submits that the Applicant has no criminal history behind him. It is his further submission that there is no medical evidence in order to accept the allegation with regard to the occurrence of multiple instances of Victim subjected to forcible sexual intercourse. It is his submission that even accepting the fact that there could be no recent injuries found, there is no clinical finding recorded with regard to the position of the hymen. It is his submission that in that circumstances, the medical evidence is said to have been not supporting the case of the prosecution. It is his submission that there is no justification for not recording the statement of the paternal aunt of the Victim girl, who is said to have been in live-in relationship with the present Applicant. It is his submission that as the incident in question has occurred in her house, it was necessary to record her statement. This, according to him, creates a doubt about the case of the prosecution and possibility of false implication of the Applicant is not ruled out.

4. The learned APP and the learned counsel for the Respondent No.2 oppose the Application firstly, by citing seriousness of the crime. Secondly, it is submitted that there are consistent statements of Victim girl recorded before the Police as well as before the

Magistrate under Section 164 of the Cr.P.C. With regard to the medical evidence, it is the submission of the learned APP that since it is mentioned that there is no recent injury on the private parts of the Victim, it should be taken as there are old injuries. Learned counsel for the Respondent No.2 apprehends that in case, the Applicant is released on bail, he would pressurize the Victim.

5. In response to the same, the learned counsel for the Applicant, on instructions, makes a statement that the Applicant would not enter jurisdiction of Shanti Nagar Police Station till conclusion of the trial.

6. No doubt, in case, there is cogent evidence of the Victim, it can become sole basis of conviction of the Accused. However, at the same time, the Courts are not expected to ignore the other relevant material on record. Even accepting the position that in every case, it is not possible that there would be tear to the hymen in case of sexual assault, herein in this case, as per the case of the prosecution, the Victim has been subjected to forcible sexual intercourse on number of occasions since September 2024 till June 2025, in such circumstances, it is difficult to accept that no injuries would be seen on the genitals of the Victim.

7. Apart from this, there is no explanation occurring on the face of it for non-recording of the statement of the paternal aunt of the Victim in whose house, the incident is allegedly to have taken place. Having regard to the same, this Court finds no reason to discard the contention of the learned counsel for the Applicant that this could be a case of false implication. In any case, the Applicant has no criminal history and is not likely to flee from justice. The

trial is not likely to get over within reasonable time. Hence, the following order:

ORDER

(i) The Bail Application stands allowed in connection with Crime No.0694 of 2025 registered with Shanti Nagar Police Station, Thane City;

(ii) The Applicant be released 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 the Prosecutrix or any witness in this Crime in any manner whatsoever;

(iv) The Applicant not to enter jurisdiction of Shanti Nagar Police Station, Thane City till conclusion of the trial.

(v) The Applicant to attend all the dates of hearing before the Trial Court except exempted by a specific order by the Trial Court;

8. The Bail Application stands disposed of.

(R. M. JOSHI, J.)

Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
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