

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4067 OF 2025

Saidatta @ Sahil Gopal Bhawal ... Applicant

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Shailesh Kharat a/w. Mr. Vishwajeet Nimbalkar and Mr. Onkar Chaudhari, Advocates for the Applicant.

Mr. M.G.Patil, APP for the Respondent-State.

Mr. Vivek Arote, Advocate for Respondent No.2.

PI – Mr. Suraj D. Bendre, Bibvewadi Police Station, Pune City, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd JANUARY, 2026.

P.C. :

1. By this application, the Applicant is seeking regular bail in C.R.No. 328 of 2024 registered with Bibvewadi Police Station, Pune, for the offences punishable under Sections 64, 64(2)(m) of Bharatiya Nyaya Sanhita, 2023 (for short “BNS Act”) and Sections 4 and 6 of Protection of Children from Sexual Offences Act, 2012 (for short “Protection of Children from Sexual Offences Act, 2012 (for short “POCSO Act”).

2. It is prosecution’s case that the applicant and co-accused sexually assaulted the minor daughter of the first informant and impregnated her. It is alleged that the victim delivered baby son in the

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house of the applicant. Victim died after delivery. The co-accused informed the police falsely that the baby son had died, but in fact the said baby son was sold to other person, it is alleged that the applicant was involved in it.

3. It is contention of learned counsel for the applicant that the first informant was aware about the affair between the applicant and deceased victim. The deceased was 17 years old. She died while taking treatment after delivering the child. The allegations of selling baby son was against the co-accused. They all have been released on bail. At the time of incident, applicant was 21 years old. He is behind bars for one year and two months. The applicant has no antecedents and requested to allow the application.

4. It is contention of learned APP along with learned counsel for the respondent No.2 that applicant is the main culprit. He sexually assaulted the minor daughter of the first informant. She got pregnant. He made her delivery in his house. No proper medical treatment was given to her. The said child is sold to other co-accused by the applicant and co-accused. If the applicant is released on bail, he may abscond or threaten prosecution witnesses. Hence, requested to reject the application.

5. I have heard all the learned counsel. Perused chargesheet and documents produced on record. The first informant was aware about the

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love affair between the applicant and her daughter. The deceased was 17 years old. She died after delivering the child. To prove the involvement of the applicant in selling of the child, evidence is required. The co-accused having similar allegations has been released on bail. The applicant is behind bars for one year and two months. The applicant has no antecedents. Considering these facts, I pass following order.

ORDER

- i. The applicant be enlarged on bail in C.R.No. 328 of 2024 registered with Bibvewadi Police Station, Pune, on executing P.R.Bond of Rs. 30,000/- on furnishing one or two sureties in the like amount.
 - ii. The applicant shall attend the concerned police station as and when required.
 - iii. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
6. The application is allowed in the aforesaid terms and is accordingly disposed of. All pending applications, if any, disposed of.
7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations

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made in this order.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)