

Shubhada S Kadam

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.4134 OF 2025**

Yash @ Yashwant Shrimant Kerbasgi

...Applicant

versus

The State of Maharashtra and anr.

...Respondents

Dr. Uday Warunjikar along with Ms. Sakshi Inamdar, Advocate for Applicant.

Ms. Ranjana D. Humane, APP for Respondent No.1-State.

Mr.Zaeem Kharadi, Advocate for Respondent No.2 (Appointed advocate present through VC).

API-Gajanan P. Jadhav, Samarth Police Station, Pune City, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 9th MARCH, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 200 of 2024 registered with Tembhurni Police Station, District Pune, for the offences punishable under Sections 137(2), 64 (2) (m), 64, 65(1), 69, 74 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 8, 12 and 17 of Protection of Children from Sexual Offences Act, 2012.

2. It is prosecution's case that during the period between July 2024 and 19th September 2024, the applicant sexually assaulted the minor daughter of the first informant on the promise of marriage.

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3. It is contention of learned counsel for the applicant that there is delay in lodging the complaint. At the time of the incident the victim was more than 14 years old. There was a love affair between the applicant and the victim. The applicant has no antecedents. The applicant is behind bars for more than 10 months. It may take time to conclude the trial. Hence, requested to allow the application.

4. It is contention of the learned APP along with the learned counsel for respondent No.2 that at the time of the incident, the victim was 12 years old. The applicant threatened her and sexually assaulted her on several occasions on the promise of marriage. The applicant was aware about the age of the victim. The medical report supports the prosecution case. If the applicant is released on bail, he may abscond or threaten the prosecution witnesses. Hence, t requested to reject the application.

5. I have heard both learned counsel, perused charge-sheet and documents produced on record. It appears that there is delay in lodging the complaint. The complaint was lodged on 20th September 2024. The earlier incident mentioned in the complaint refers to outraging the modesty of the victim and not sexual assault. At the time of the incident, the applicant was 24 years old. The applicant no antecedents, and it may take time to conclude the trial. Considering these facts, I pass following order:

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ORDER

- (i) The applicant be enlarged on bail in Crime No. 200 of 2024 registered with Tembhurni Police Station, District Pune, on executing P.R.Bond in the sum of Rs.30,000/- with 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.

The application is allowed in the aforesaid terms and is accordingly disposed of.

6. 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 made in this order.

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

(SHIVKUMAR DIGE, J.)