

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4135 OF 2025

Devendra Anant Patil	...Applicant.
<i>Versus</i>	
State of Maharashtra & Anr.	...Respondents

Mr. Madan Gupta, for the Applicant.
Mrs. Veera Shinde, APP for the Respondent-State.
Ms. Komal Sinha (Appointed), for the Respondent No.2.

CORAM: R. M. JOSHI, J.
DATED: 6th MARCH, 2026.

PC:-

1. This Application is for grant of regular bail in connection with Crime No. 0425 of 2024 dated 7th July 2024 registered with RCF Police Station, Brihanmumbai Shahar for the offences punishable under Section 137(2) and 115(2) of Bharatiya Nyaya Sanhita, 2023 ('BNS') and Sections 4, 6, 8 and 10 of the Protection of Children From Sexual Offences Act, 2012 ('POCSO Act').
2. Perusal of the record indicates that herein in this case, the allegation against the present Applicant is of sexually abusing a minor boy aged about 5 years and 11 months. During the course of investigation, since evidence was found against the Applicant, a charge-sheet came to be filed against him.
3. Learned counsel for the Applicant submits that the only reason recorded by the Special Court for rejection of the

Application is that both the Victim and Accused are residents of the same area. It is his submission that apart from the merits of the case, the Applicant would stay away from the said area so that there would not be any impediment to his enlargement on bail.

4. Learned APP and learned counsel for the Respondent No.2 oppose the Application. They drew attention of the Court to the evidence on record, which according to them, shows that provisions of the POCSO Act are rightly invoked against the Applicant. It is contended that having regard to the serious nature of the crime and the minimum sentence, which is prescribed for the same, this is not a fit case for grant of bail. Learned APP further pointed out to the Court that the trial has already commenced and the examination of six witnesses has already been completed.

5. At this stage, this Court does not wish to record any finding with regard to the merits of the case as the trial is in progress. Suffice it to say that there is substance in the contention of learned counsel for the Respondent No.2 and learned APP that there is *prima facie* evidence against the Applicant showing his involvement in the crime.

6. Since the trial has already commenced, it would be appropriate to request the Trial Court to complete the trial expeditiously and, in any case, within a period of six months from the date of this order.

7. The Application stands dismissed in above terms.

(R. M. JOSHI, J.)

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signed by
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