

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4185 OF 2025

Pradnesh Kisan Patil	...Applicant
<i>Versus</i>	
State of Maharashtra And Ors.	...Respondents

Mr. Sudhir Gupta a/w Mrs. Trisha Thakur a/w Ms. Misbah Panjwani, for the Applicant.
Mr. Shailesh S. Ghag, APP, for the Respondent - State.
Mr. Taraq Sayed, for the Respondent No.2.
Mr. Sanjay H. Gurav, PSI, Kelva Police Station, is present.

CORAM: R. M. JOSHI, J.

DATED: 11th MARCH, 2026

PC:-

1. Applicant is seeking bail in connection with Crime No. 35/2025 registered with the Kelva Sagari Police Station, Palghar, for the offences punishable under Sections 64(2)(k) (m), 76, 3(5) of Bhartiya Nyaya Sanhita, 2023 (for short “BNS”).

2. The First Information Report came to be lodged by the mother of the victim, who is deaf and mute. The report indicates that an incident occurred on 11.06.2025, wherein the present Applicant attempted to commit rape on the victim girl. On the basis of the said report, offence came to be registered. During the course of the investigation, victim was referred for medical examination, however she refused to undergo the medical

examination. Mother of the victim however before the medical officer on 18.06.2025 gives history about on previous occurrence the victim been subjected to the sexual intercourse by the Applicant. However, in her statement under Section 183 of BNSS, 2023 she does not state anything about it before the Magistrate. On conclusion of the investigation chargesheet is filed.

3. Learned Counsel for the Applicant submits that here in the case, the statement of the victim is not consistent and more particularly, in view of the FIR lodged by the mother of the victim wherein she does not disclose any incident having occurred prior to 11.06.2025. It is his further submission that, the victim has refused to undergo medical examination and as such there is no evidence in order to support her contention. In this regard reference is made to the statement of the brother of the victim who according to him gives altogether different version with regard to the video recording of the said incident and exaggerate the incident. On these amongst other contentions, it is his submission that the since the chargesheet has already been filed, this is not a fit case for keeping Applicant in custody anymore. Learned Counsel for the Applicant on instructions, makes statement that till conclusion of the trial Applicant shall not enter into the jurisdiction of the Kelva Sagari Police Station, Palghar.

4. Learned Counsel for the Respondent No.2 opposed the application. It is his submission that the victim is deaf and mute

and therefore, obviously will have limitations to communicate the correct facts. It is his submission that in the statement recorded by the police so also statement before the Magistrate, consistent version of the occurrence of the incident in question so also previous incident. It is his submission that merely because there is no medical examination, Applicant is not entitled to get bail as the statement of the victim must be given due weightage. He further argued that for reason that the mother of the victim at the time of lodging of the report does not give information about the previous incidents of rape, it can not be assumed that such incidents have occurred. It is his submission that considering to the seriousness of the crime this is not a case for grant of bail.

5. Learned APP adopted the arguments advanced by the learned Counsel for the Respondent No.2 for opposing the application.

6. There can not be in a dispute made with regard to the proposition of law that consistent and reliable statement of victim would be sufficient to bring home guilt of the accused without seeking further corroboration. At the same time the other circumstances on record also would be required to be taken into consideration by the Court for ascertaining the reliability or otherwise of case sought to be made out by prosecution. Here in this case, victim is deaf and mute. No doubt as rightly argued by the learned Counsel for the

Respondent No.2 that there would be difficulty for her in communication however, at the same time it can not be ignored that the first informant is no one else but the mother of the victim. Not only in the First Information Report she discloses no other incident but for the incident of 11.06.2025, in her statement recorded before the Magistrate on 20.06.2025 she does not state anything about rape been committed by the Applicant/Accused with her daughter. Pertinently the very same informant while giving history to the medical officer two days prior to recording of the statement before Magistrate gives history about previous incidents. This therefore creates doubt about correctness of information. In this backdrop, refusal on the part of victim and her mother to subject victim for medical examination assumes relevance and cannot be ignored lightly.

7. Consequently *prima facie* this Court is of the view that the statements on record of the informant and victim are not consistent and in absence of any other evidence in support the version of the victim, this is a fit case for allowing the application. Needless to say that, trial is not likely to get over in a reasonable period of time. Applicant has no criminal history against him. He has not likely to flee from justice. Imposition of appropriate conditions, he will take care of the apprehension of the Respondent No. 2 victim and prosecution if any. Hence, following order.

ORDER

- i) Criminal Bail Application stands allowed in connection with the Crime No. 35/2025 registered with the Kelva Sagari Police Station, Palghar for the offences punishable under Sections 64(2)(k)(m), 76, 3(5) of Bhartiya Nyaya Sanhita, 2023.
- ii) The Applicant be enlarged on bail, on furnishing P. R. Bond of Rs.15,000/- with one surety in the like amount till the satisfaction of the Trial Court.
- iii) The Applicant shall not enter the local jurisdiction of the Kelva Sagari Police Station, Palghar, till conclusion of trial.
- iv) The Applicant not to contact victim or any witness in any manner whatsoever.
- v) Applicant to attend all dates of hearing before the Trail Court unless his presence is exempted by passing specific order.
- vi) Any breach of the above condition shall result forthwith in cancellation of bail.

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

9. All concerned to act upon the authenticated copy of this order.

(R. M. JOSHI, J.)

VDMokal/-