

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4492 OF 2025**

Anil Shankar Nalwade

... Applicant

Versus

The State of Maharashtra and Anr.

... Respondents

Mr. Bhalchandra S. Shinde, Advocate for the Applicant.

Smt. R.D.Humane, APP for the Respondent-State.

Ms. Nawa Dordi, Appointed Advocate for Respondent No.2.

HC-M.M.Pawar, Walchand Police Station, Pune, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st APRIL, 2026.

P.C. :

1. By this application, the Applicant is seeking regular bail in C.R.No. 412 of 2022 registered with Walchandnagar Police Station, Pune, for the offences punishable under Sections 363, 366(a), 376(2)(I)(J)(L)(N), 109, 506 r/w. 34 of Indian Penal Code, 1860 (for short "IPC") and Sections 4, 6, 8 and 12 of Protection of children from Sexual Offences Act, 2012 (for short "POCSO Act") and Section 92(A)(D) of Persons with Disabilities Act.

2. It is prosecution's case that during period October-2021 to April-2022, applicant sexually assaulted minor daughter of the first informant on several occasions and impregnated her. It is alleged that

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victim is disabled and at the time of incident, she was 13 years old.

3. It is contention of learned counsel for the applicant that the applicant was arrested in other offence on 15.03.2022 and he was in jail. It is alleged that in April-2022, the applicant sexually assaulted the victim which is false. Learned counsel further submitted that DNA report of the fetus does not match with the applicant. There is delay in lodging the complaint. Though, the incident came to light in the month of April-2022, FIR is registered in the month of September-2022. There is delay in lodging the FIR. The applicant is behind bars for three years and six months. There is no progress in the trial and requested to allow the application.

4. It is contention of learned APP along with learned counsel for respondent No.2 that the applicant was aware about the age of the victim. The victim has categorically stated about the sexual assault on her by the applicant. The bail application of the co-accused having lesser role has been rejected by this Court. If the applicant is released on bail, he may abscond or threaten prosecution witnesses. The occurrence of the offence is from October-2021 to April-2022. The offence committed by the applicant is heinous. The minimum punishment is of 20 years and requested to reject the application.

5. I have heard all the learned counsel. Perused chargesheet and

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documents produced on record. There is delay in lodging the complaint. The DNA of the fetus does not match with the applicant. To prove the allegations against the applicant, evidence is required. It is alleged that the applicant committed last sexual assault in the month of April-2022 whereas at the same time, he was in jail in other offence. Considering these facts, I pass following order.

ORDER

- i. The applicant be enlarged on bail in C.R.No. 412 of 2022 registered with Walchandnagar 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.
 - iv. The applicant shall not enter in the jurisdiction of Walchandnagar till recording evidence of first informant and victim except attending Court dates.
6. The application is allowed in the aforesaid terms and is accordingly disposed of. All pending applications, if any, disposed of.

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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 made in this order.

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

(SHIVKUMAR DIGE, J.)