

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.4775 OF 2025

Digitally signed
by VASANT
ANANDRAO
IDHOL
Date:
2026.04.02
15:09:55 +0530

Anil Prabhakar Potdar

...Applicant

V/s.

State of Maharashtra & Anr.

..Respondents

Mr.Rohan D. Kaiche for the Applicant.

Mr.S.S. Ghag, APP for the State – Respondent.

Ms.Vilasini Balsubramanian for Respondent No.2.

CORAM : R.M. JOSHI, J.

DATE : 1ST APRIL, 2026.

P.C. :-

1. The Applicant seeks bail in connection with Crime No.186 of 2025 registered with Palghar Police Station for the offences punishable under Sections 354, 376(2)(f), 504, 506 of the Indian Penal Code, 1860 (IPC), under Sections 4, 6, 8 and 12 of The Protection of Children from Sexual Offences Act, 2012 (POCSO).

2. The first information report (FIR) came to be lodged

at the instance of prosecutrix, who reported to the police that she was attending the music class of the present Applicant. For the period from 2012 to 2016 she was learning music from him. She made allegations that during this period, the Applicant has inappropriately touched her and has done various other acts which are specifically stated in the FIR. Since she claims that she was threatened not to disclose the same to any one, she never disclosed it. In September, 2017, she stopped attending the music class due to the said acts of the Applicant. On 22nd June, 2025, she received a message from the Applicant that he has started the class again and that he wishes to hear her voice. The same message was sent to the mother of the victim. Since at that point of time, the victim thought that she would be required to attend the class, she disclosed the incident to her mother and which consequently resulted into filing of the FIR.

3. Learned counsel for the Applicant submits that the investigation into the crime is complete and is filing of the chargesheet on 11th August, 2025. It is his submission that there are material inconsistencies in the case of the prosecution which

entitles the Applicant bail. He drew the attention of the Court to the FIR, wherein there is a reference made with regard to the message received by the victim from the Applicant and in this regard it is further submitted that no such message appears in the evidence in the chargesheet. According to him in the supplementary statement, the victim makes allegations of the Applicant sexually abusing a boy, who was also attending the said classes at the relevant time. By drawing attention of the Court to the statement of the said person, it is submitted that there is no substance in the said allegation. It is his submission that the Trial Court has rejected the application for bail by relying upon the drawings made by the victim indicating her mental stage. According to him, most of the said drawings are available on internet and hence the possibility of those drawings being made now and created as evidence is not ruled out. He further argues that the Applicant is having music class for a period of over 30 years and that there is no criminal complaint lodged against him or any complaint from student. He also argued that Report is lodged after 9 years of alleged last incident

in role and hence doubt is created in the said story of prosecution. It is his submission that the trial is not likely to get over in reasonable period of time.

4. Learned APP and learned counsel for Respondent No.2 opposed the application. It is their contentions that delay in lodging of the report cannot become a sole ground for discarding the case of the prosecution. According to them sole evidence of victim of sexual assault is sufficient for connection of accused. In this regard it is further argued that the statement of the mother of the victim indicates that the victim for all these years was not in proper state of mind and the same is reflected from the drawings made by her. It is further argued that the statement of the victim recorded under Section 164 of Cr.P.C. is consistent to the FIR. It is argued that in view of the threats given by the Applicant to the victim, she was unable to disclose the same to any one for the period between 2012 to 2016. It is submitted that the sole testimony of the victim can become a ground for conviction of the accused. On these among other contentions, the bail application is opposed.

5. There cannot be any dispute made with regard to the proposition sought to be canvassed on behalf of the prosecution and counsel for Respondent No.2 that the consistent, reliable and statement free from doubt of a victim of sexual assault would become sole basis for the conviction of the accused. However, at the same time the other circumstances, which are appearing from the record cannot be ignored completely if they create doubt about the same. The delay may not be sole ground to reject case of prosecution but unexplained delay cannot be brushed aside lightly.

6. Apart from the fact that FIR came to be lodged after nine years of the occurrence of last incident, it is pertinent to note that the trigger point for lodging of the report is the message received from the Applicant by the victim however such evidence is absent in the in the chargesheet. Though it is now sought to be argued that the said message was deleted by the victim as well as her mother, it is a matter of fact *prima-facie* there is no such evidence on record to hold that Applicant sent personal message to victim and her mother. Though it is

submitted further that the FSL report of the mobile phone of the Applicant is yet to be received, however in absence of any investigation on the point of the mobile phones of the victim as well as her mother, the said report would become inconsequential.

7. Needless to say that when the allegations are of such a nature that there could not be any other evidence in order to prove the allegations made by the victim, but for her evidence, the statements of the victim must be reliable and in entire facts of the case become acceptable. The prosecution is relying upon the drawings made by the victim over these years indicating her state of mind. A specific query was made to the learned APP to point out as to whether there is any evidence to indicate that those drawings were made at the relevant time. He submits that those drawings were produced by the mother of the victim. It is necessary to take note of the fact that in order to accept the state of mind of the victim at the relevant time, there must be evidence in order to indicate that those drawings were made at the relevant time. In absence of any such evidence, at least

prima-facie it cannot be assumed that the drawings placed before the Investigating Officer indicates / reflects the state of mind of the victim at the relevant time. This becomes more relevant in view of the fact that most of the drawings are available on the internet as contended by counsel for Applicant.

8. Most importantly victim in her supplementary statement make allegation naming specifically a boy who was student of Applicant at relevant time, was also sexually abused. The statement recorded by the boy during investigation, does not support the said allegations.

9. Having regard to the aforestated facts, this Court finds no reason to discard the submission of the learned counsel for the Applicant that this could be the case of false implication. The Applicant has no criminal history. He is not likely to flee from justice. Imposition of appropriate conditions would be sufficient to take care of the apprehension of the prosecution and the victim, if any.

10. Learned counsel for Respondent No.2 apprehends the pressure at the hands of the Applicant, since both are residing in

the same area.

11. Learned counsel for the Applicant in response thereto, makes statement on instructions that the Applicant would reside outside the jurisdiction of Palghar Police Station till conclusion of trial. Hence order :

ORDER:

- a). The Application stands allowed.
- b). The Applicant be enlarged on bail in connection with Crime No.186 of 2025 registered with Palghar Police Station on furnishing PR bond of Rs.15,000/- with one surety in the like amount to the satisfaction of the Trial Court.
- c). The Applicant not to contact victim or any other witness in any manner whatsoever.
- d). The Applicant to attend all dates of hearing before the Trial Court unless exempted.
- e). As undertaken, the Applicant not to enter the jurisdiction of Palghar Police Station, except for attending the dates of hearing before the Trial Court.
- f). It is clarified that above observations are *prima-facie* in nature and would not bind Trial Court / parties during trial.

(R.M. JOSHI, J.)