

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4790 OF 2025

Shlok Mahesh Jadhav

...Applicant

Versus

State of Maharashtra and Anr.

...Respondents

Mr. Niranjan Mundargi, *with Keral Mehta, i/b Ketki Gadkari*, for the Applicant.

Mr. Ashok S. Gawai, APP for the Respondent-State.

Ms. Priyanka Chavan (Appointed), for the Respondent No.2.

CORAM: R. M. JOSHI, J.

DATED: 9th MARCH, 2026.

PC:-

1. This Application is for enlargement on bail in connection with the Crime No. I-370 of 2025 registered with the Manikpur Police Station, Mira-Bhayander, Vasai-Virar for the offences punishable under Section 64(1) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act').

2. As per the First Informant, who is the father of the Victim Girl, on 14th October 2025, an incident occurred in which the Victim was compelled to consume liquor and, while under its influence, she was subjected to forcible sexual intercourse by the Applicant. In the First Information Report so also in the statement of the Victim, the incident has been detailed. In connection with

the said crime, the Applicant came to be arrested. On conclusion of the investigation, the charge-sheet is filed.

3. Learned counsel for the Applicant submits that the statement of the Victim with regard to the forcible sexual intercourse being committed by the Applicant with her is not supported by the statements of the friends, who were present in the house at the relevant time. It is his submission that if it is the case of the Victim that she was subjected to the sexual intercourse twice, which as per her own version, lasted for more than 15-20 minutes, it is practically impossible that there would not be any injury to the private parts of the Victim, much less the hymen would remain intact. To support his submission, he took this Court to the medical report of the Victim wherein there is a finding recorded by the Medical Officer of this case being not of forcible sexual intercourse. It is further submitted that the Applicant is about 18 years of age and has no criminal history behind him.

4. The learned APP and the learned counsel for the Respondent No.2-Victim, oppose the Application. It is the contention of the learned counsel for the Victim that that the statement of the Victim recorded by the Police, so also given to the Medical Officer is consistent and hence, reliable. It is her submission that it is a settled position of law that reliable statement of the Victim would be sufficient for conviction of the Accused without seeking any corroboration thereto. She further submits that it is also a settled position that there need not be any injuries caused to the Victim of the sexual assault. According to the learned APP, there are statements of the friends of the Victim and Accused, which would

indicate that the incident had occurred as narrated by the Victim. The learned APP apprehends that there is possibility of pressurizing of the Victim by the Applicant if he is enlarged on bail. Learned counsel for the Applicant in response thereto on instructions, makes a statement that the Applicant will not enter into the jurisdiction of the Manikpur Police Station till evidence of the Victim is recorded before the Trial Court.

5. There is no dispute about the position of law that consistent statement of a Victim, which is free from doubt, can become basis of the conviction of the Accused without seeking further corroboration thereto. Similarly, in each case, it is not necessary that injuries would cause to the genitals of the Victim in case of sexual assault. In the instant case, however, question arises as to whether the said principle would be applied at this stage for the reason that the Victim specifically states about she being subjected to the sexual intercourse twice one by using contraceptive and another without contraceptive. Thus, it is not the case of the Victim that there was any attempt or even slight penetration, in order to hold that there would not be any injury to the genitals and the hymen would not get torn. *Prima facie*, Victim's contention if is accepted, then, the same would lead to causing of tear to the hymen. On the face of it, medical evidence does not indicate so.

6. The story of the prosecution apart from the statement of the Victim is based upon the Accused purchasing contraceptive pill from the medical store and administering the same to the Victim. A specific query is made to the learned APP with regard to the evidence in this regard. On the basis of the material in the charge-

sheet, learned APP was unable to point out any evidence indicating the contraceptive pill being purchased and administered to the Victim. Thus, except for the statement of the Victim, there is no material on record to hold so.

7. In the afore-stated facts, more particularly, when the trial is not likely to get over in a short period of time and having regard to the age of the Applicant with no criminal history, this Court finds it appropriate to allow the Application. Hence, the following order:-

ORDER

- (i) The Bail Application is allowed.
- (ii) The Applicant be enlarged on bail in connection with Crime No. I-370 of 2025 registered with the Manikpur Police Station, Mira-Bhayander, Vasai-Virar by furnishing P R. Bond of Rs.15,000/- with one surety in the like amount to the satisfaction of the Trial Court.
- (iii) The Applicant not to contact the Victim or witnesses in any manner whatsoever.
- (iv) The Applicant to attend all the dates of hearing before the Trial Court unless exempted by passing a specific order.
- (v) The Applicant not to enter the local jurisdiction of the Manikpur Police Station till the evidence of the Victim is recorded and completed before the Trial Court.

8. The Bail Application stands disposed of.

(R. M. JOSHI, J.)

SHAMBHAVI
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Digitally signed by
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