

N.S.Kamble

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 4845 OF 2025

Mahadev Dsp Shankar @ Pandurang SuryavanshiApplicant

VERSUS

The State Of MaharashtraRespondent

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Mr.Aniket Vagal a/w Ms.Savvy Kolhekar and Ms.Juhi Kadu, for the Applicant.

Mr.B.B. Kulkarni, APP for Respondent-State.

Ms.Komal Sinha, for Respondent No.2.

Mr.Ajit Diwte, PSI, Sant Tukaram Nagar Police Station, Pimpri Chinchwad, Pune.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd APRIL 2026

P.C. :

. By this Application, the Applicant is seeking regular bail in Crime No.23 of 2020 registered with Pimpri Police Station, Pune, for the offences punishable under Sections 376(i), 363 and 506 of the Indian Penal Code, 1860 ('IPC' for short) and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO' for short).

2. It is prosecution's case that on 9th January 2020, the Applicant kidnapped 12 years old minor daughter of the First Informant and sexually assaulted her.

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3. It is contention of learned counsel for the Applicant that the Applicant is behind bars for more than six years. The charge is framed. The statement of victim under Section 164 of the Cr.P.C. is recorded. In the said statement, she has not stated about sexual assault by the Applicant. The medical report does not indicate sexual assault done by the Applicant. It may take time to conclude 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 kidnapped victim who was 12 years old. He took her to the forest and sexually assaulted her. There are eye witnesses who apprehended the Applicant with the victim. The Applicant has antecedents. If the Applicant released on bail, he may abscond or threaten Victim, First Informant and prosecution witnesses, and requested to reject the Application.

5. I have heard all learned counsel. Perused charge-sheet and documents produced on record.

6. In the statement recorded under Section 161 of Cr.P.C., the victim has stated about sexual assault by the Applicant, whereas in the statement recorded under Section 164 of Cr.P.C., there are no specific allegations mentioning sexual assault by the Applicant. The medical report does not show penetration. To prove the charges levelled against the

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Applicant trial is required. The Applicant is behind bars for more than six years. Yet trial has not been commenced

7. In view of above, I pass following order.

ORDER

- (i) The Applicant be released on bail in Crime No.23 of 2020 registered with Pimpri Police Station, Pune, on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The Applicant shall not enter the area where the victim stays.
- (iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iv) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.
- (v) The Applicant shall attend the concerned Police Station as and when required.
- (vi) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)