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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4923 OF 2025**

Tohan Dilip Dantani ...Applicant
Versus
State Of Maharashtra And Anr. ...Respondents

Mr. Rajeshkumar Salpuram , *for the Applicant.*
Ms. Poonam P. Bhosale, *APP for the State-Respondent.*
Ms. Lochan P. Chandka (Appointed), *for the Respondent No.2.*
Mr. Thakre, *API attached to Dharavi Police Station, Mumbai present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 16th JANUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with the FIR No.1314 of 2025 dated 21st November 2025 registered with the Dharavi Police Station, Brihanmumbai City for the offenses punishable under Sections 64, 64(2)(i), 64(2)(m) 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. It is the case of the prosecution that there was a relationship between the Victim and the Applicant. The Applicant was aged about 18 years and the Victim was about 17 and ½ years, at the time of incident. The First Informant is the mother of the Victim. According to her, on 21st November 2025, her daughter, i.e., the Victim herein, had a stomachache hence, she took her to a doctor where it was revealed that she was 19 weeks pregnant. Upon inquiry with her daughter, it transpired that her daughter/Victim was in a relationship with the Applicant herein and it is out of the said relationship that she had conceived and hence, the First Informant made the complaint against the Applicant leading to registration of the present FIR. The Applicant was arrested on 22nd November 2025.

3. The Applicant made an application seeking bail before the Trial Court, however, by order dated 20th December 2025, his bail application came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. When the matter was called out on 14th January 2026, the Complainant and the Victim were present before the Court and it was indicated to the Court that they have no objection to the grant of bail to the Applicant and in fact, they want to withdraw the present FIR. Since there are allegations of offences under the POCSO Act, the Court appointed Ms. Lochan Chandka, learned advocate, to represent the Victim and the Complainant. A copy of the Bail Application was given to her.

5. Today, Ms. Lochan Chandka, learned counsel representing the Respondent No.2, informs this Court that the Applicant and the Victim were in a relationship and out of the said relationship, she conceived. It was only when the Victim's mother found out about the same, she filed a complaint leading to the registration of the FIR.

6. Mr. Rajeshkumar Salpuram, learned counsel appearing for the Applicant, submits that there was a consensual relationship between the Applicant and the Victim. The

Applicant and the Victim were about 18 years and 17 ½ years of age respectively, at the time of incident. There was no force or coercion involved or inflicted by the Applicant over the Victim. The Victim and her mother are present in the Court today. The Victim has stated through Ms. Chandka, learned counsel, that she is not desirous of pursuing the complaint against the Applicant.

7. Be that as it may, the offences under the POCSO Act have been invoked in the present matter. However, considering the age of the parties and the fact that this is a relationship between 2 adolescents, I am inclined to enlarge the Applicant on bail by imposing stringent conditions and it is ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/ with one or two local sureties in the like amount;

ii) The Applicant is permitted to furnish provisional cash bail of Rs.15,000/- for his release immediately and file undertaking that he will provide one or two local sureties in the like amount of Rs.15,000/- within a period of four weeks after his release, which shall be accepted by the Trial Court. The Applicant shall provide the sureties as directed;

iii) The Applicant shall not enter territorial jurisdiction of Dharavi Police Station, Mumbai;

iv) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

v) The Applicant shall also attend the Police Station concerned once in a month on first Monday between 11:00 a.m. to 02:00 p.m., till the charges are framed;

vi) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

vii) The Applicant shall not leave India, without the permission of the Trial Court;

viii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

ix) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

x) The Applicant to co-operate with the conduct of the trial;

xi) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)

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