

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1808 OF 2025
IN
CRIMINAL APPEAL NO. 460 OF 2025

Navin Kirsan Sarsar

...Applicant

Versus

The State of Maharashtra And Anr.

...Respondents

Mr. Sudhir C. Halli i/b Ruchira Halli, for the Applicant/Appellant.

Mr. Rishikesh M. Pethe, APP, for the Respondent No.1/State.

Ms. Vilasini Balasubramanian, appointed through Legal Aid, for the
Respondent No.2.

Pairavi PSI Kishor Desai, Dindoshi Police Station, Mumbai, is present.

CORAM: R. M. JOSHI, J.

DATED: 13th FEBRUARY, 2026.

PC:-

1. Heard.

2. Learned Counsel for the Applicant/Appellant submits that this Court has granted bail to the accused by Order dated 25th November 2025 making specific observations in Para-7 of the said Order. It is his further submission that apart from the rule adjudicated to the present appellant, record indicates that he was not even identified in the Identification Parade.

3. Ld. APP and Counsel for Respondent No.2 opposed the application. Ld. Counsel for the Respondent No.2 drew attention of this Court to the evidence of the informant i.e. mother of the victim who identified the present accused. No dispute however is made with regard to the fact that appellant was not identified in Identification Parade by victim.

4. At this stage, it would be relevant to record the observations made by this Court in Para-7 of the Order dated 25th November 2025, which reads as under :-

“7. The appellant has spent more than half sentence imposed against him. Here in this case, the informant i.e. mother of the victim has accepted the fact of filing of three other cases with similar allegations against the accused person. She further admits to have filed affidavit in one of such cases recording 'no objection' for enlargement of the accused on bail. She has further admitted of receiving money from the parents of the co-accused in the instant case. Similarly, there is material on record to indicate that there were complaints against her of falsely implicating the persons making allegations in respect of her minor daughter. If all these contentions are found to be true, it is a matter of serious concern. The Hon'ble Supreme Court in Samadhan versus State of Maharashtra and anr. Reported in 2025 LiveLaw (SC) 1137 has held that by making false allegations of rape, the seriousness of crime tends to reduce. To be precise, it not only trivialises the seriousness of the offence but also inflicts upon the accused indelible stigma and grave injustice. The misuse of the criminal justice machinery in this regard is a matter of profound concern and calls for condemnation.”

5. The above finding is more than sufficient to accept the contention of Counsel for the Applicant/Appellant that it could be a case of false implication. Appellant was on bail during the trial. The appeal is not likely to be heard in a short period of time. Considering similar evidence led before the Trial Court in respect of present Appellant and the accused/convict enlarged on bail, this Court finds no reason to take any different view than the one taken in order dated 25th November 2025 in respect of the main accused. The Interim Application therefore deserves to be allowed. Hence, the following order.

ORDER

- i) The Interim Application stands allowed.
- ii) The substantive sentence imposed against the appellant by the Judgment and Order dated 28.03.2025 passed in Special POCSO Spl. Case No. 26 of 2017, stands suspended till the decision of the Appeal.
- iii) The Applicant/Appellant be enlarged on bail, on furnishing P. R. Bond of Rs.15,000/- with one surety in the like amount.
- iv) The Applicant/Appellant not to contact the victim or the family members of the victim in any manner whatsoever.
- v) Any breach of the aforesaid condition shall result forthwith into cancellation of bail.

6. In view of the above, Interim Application stands disposed of.

7. It is clarified that the above observations are made on prima facie consideration of the material on record and the same shall not bind the parties during the final hearing of the Appeal.

(R. M. JOSHI, J.)

VDMoka/-