

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

**INTERIM APPLICATION NO.1680 OF 2026
IN
BAIL APPLICATION NO.4847 OF 2025**

Rajshree Bharat Ahire

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

Mr. Vinay Bhanushali, a/w Sanmit Vaze, Advocate for the Applicant.

Mr. Prashant P. Jadhav, A.P.P. or the Respondent-State.

PSI, Chetak Ganage, Aarey Police Station, present.

**CORAM : GAUTAM A. ANKHAD, J.
(VACATION COURT)**

DATE : 20th MAY 2026.

P.C. :

1. The Applicant came to be arrested in connection with FIR no.125 of 2025 registered with the Aarey Police Station initially for offences punishable under Sections 352, 351(2), 3(5), 117(2) and 115(2) of the Bharatiya Nyaya Sanhita, 2023 ("BNS"). Subsequently, on 6th August 2025, Section 103 of the BNS was added. Investigation in the matter has been completed and charge-sheet has been filed. The Applicant was released on bail by an order dated 7th January 2026 passed in Bail Application no.4847 of 2025.

2. Mr. Vinay Bhanushali, learned counsel appearing for the Applicant seeks modification/relaxation of the bail condition contained in paragraph 7(vii) of the

said order. It is submitted that subsequent events have necessitated the filing of the present Application. The Applicant's minor daughter, who is allegedly a witness in the aforesaid crime, was residing in the custody of the Applicant's brother-in-law and during such period was allegedly subjected to sexual assault by him. In that regard, FIR no. 99 of 2026 has been registered for offences punishable under Sections 74, 75(1) and 78 of the BNS read with Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. It is in these circumstances that the Applicant seeks exclusion of her minor daughter from the operation of the condition imposed in paragraph 7(vii) of the bail order.

3. Mr. Prashant Jadhav, learned APP, opposes the Application and submits that the minor daughter is an important witness in the case of the prosecution and therefore, the condition imposed in paragraph 7(vii) ought not to be diluted. It is further submitted that the complaint under the POCSO Act has been lodged against the Applicant's brother-in-law, who is presently in custody in connection with FIR No.99 of 2026.

4. In the course of the morning session today, Criminal Writ Petition No.2460 of 2026 for Habeas Corpus was listed before the Division Bench of which I was a member. The minor daughter was present before the Court. Upon interaction with the minor, she unequivocally expressed her desire to reside with the Applicant, who is her biological mother. Having regard to the aforesaid circumstances,

particularly the subsequent developments involving the welfare and safety of the minor child, I find merit in the present Application. The condition imposed in paragraph 7(vii) cannot operate to the detriment of the minor child. In the circumstances, the Application is allowed in terms of prayer clause (a), which reads as under :-

“a) Modify/relax/exempt the condition at sr.no. (vii) imposed vide order dated 07/01/2026, to the limited extent and only restricted in respect of her minor daughter namely Shreya Bharat Ahire, however the said condition may apply in full rigor in respect of other witnesses.”

[GAUTAM A. ANKHAD, J.]