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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2578 OF 2026

Rajesh Shantaram Kumbhar .. Applicant

Versus

State of Maharashtra & Anr. .. Respondents

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- Mr. Vipin Bidkar, for the Applicant.
- Ms. Sangeeta Phad, APP for the Respondent - State.
- Mr. Londhe, PSI, Wanwadi Police Station, Pune.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 19, 2026

P.C.:

1. Heard Mr. Bidkar, learned Advocate for Applicant and Ms. Phad, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.303 of 2021 registered with Wanwadi Police Station, Pune for offences punishable under Sections 363, 376(D)(A), 377, 107, 114, 120(B) and 34 of the Indian Penal Code, 1860 and under Sections 4(2), 5(G), 6, 8, 12, 17 of the Protection of Children from Sexual Offences Act, 2012 (for short **'POCSO Act'**)

3. . The Applicant is not named in the FIR. The FIR refers to five persons, whereas a total of 19 accused have been arraigned in the

present crime.

4. The victim was 14 years of age. She left her home on the night of 31 August 2021 and was traced on 6 September 2021 at Chandigarh.

5. Though the FIR is bereft of details, however, subsequent statements recorded of the victim *prima facie* show indictment of several other persons only on the basis of their appearances. No TIP has been conducted at all by the prosecution. The Applicant is facing incarceration for five years and two months till date. The trial has commenced and six witnesses have been examined, as informed by this Court.

6. Considering the material which is placed on record and the fact that the victim has not named the Applicant or referred to the Applicant in the FIR itself enures to the benefit of the Applicant.

7. Since the victim is a minor, the procedure followed by this Court is to issue notice to the first informant. The Applicant is behind bars for five years and two months pending trial. Considering the strong *prima facie* material, this Court is inclined to consider bail. The Applicant is granted bail.

8. Needless to state that the Applicant's complicity in the crime will be proved by the prosecution at trial.

9. Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be immediately released from prison in connection with CR. No.303 of 2021;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty-Five Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

10. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

11. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]