Rushi

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3277 OF 2026

Somnath Kailas Chavan .. Applicant

Versus

The State of Maharashtra & Anr. .. Respondents

.....

- Ms. Shubhangi Parulekar, for the Applicant.
- Ms. Shilpa Talhar, APP for the Respondent - State.
- Ms. Madhuruati Shinde, API, Pimpri Police Station, Pune.

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 19, 2026

P.C.:

1. Heard Ms. Parulekar, learned Advocate for Applicant and Ms. Talhar, 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.122 of 2020 registered with Pimpri Police Station, Pune for offences punishable under Sections 354, 354(A), 376, 376(1), 376(A)(B), 494, 496 of the Indian Penal Code, 1860, under Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 and under Section 3(2) of the Maharashtra Prevention and Eradiation of Human Sacrifice and in Human, Evil and Aghori Practices and Black Magic Act, 2013.

3. The Applicant is arraigned as sole accused in the present crime.

4. The material which is placed on record *prima facie* shows that the Applicant and the victim were indeed in a consensual relationship with each other. That apart, the material also shows that they both were in love with each other and had got married, but when the family of the victim came to know about the fact of their marriage, they took away the victim and present complaint was filed.

5. The Applicant has been incarcerated in jail pending trial for the past more than six years and six months as of today. Learned Advocate for the Applicant submits that 11 out of the probable 28 prosecution witnesses cited have been examined. There is, *prima facie*, a contradiction in the statements of the victim.

6. The two statements of the victim which contradict each other are the statements dated 21 February 2020 and 25 February 2020. Both these statements are appended to the Application, and I have perused the same. In the statement dated 21 February 2020, the victim herself states that the Applicant is not at fault and that it is on her own volition that she had eloped with the Applicant and got married to him, and that there was absolutely no force whatsoever exercised by the Applicant on her. Whereas, in the statement which is recorded five days thereafter, on 25 February 2020, the said statement is *prima facie*

contrary to her earlier statement and alleges force applied by the Applicant.

7. Incidentally, on the face of the record, it is seen that there is a delay of one year in lodging the FIR.

8. Considering the facet that the trial has already commenced and certain witness action is already over, I do not wish to delineate anything further on the merits of the matter, lest it would affect the ongoing trial. However, considering the case of the Applicant in the aforesaid circumstances on the ground of prolonged incarceration of six years and six months, and the apparent ignominy of the trial not being concluded in the near foreseeable future, the Applicant is granted bail.

9. According to the learned APP, the cross-examination of the Investigating Officer is the only thing to be completed. If that is the case, the same should be completed as expeditiously as possible, and adjudication should be done by the prosecution.

10. 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.122 of 2020;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen 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.

11. 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.

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

[MILIND N. JADHAV, J.]