

MHCC050053712025



IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
BAIL APPLICATION AT EXH.10

REMAND APPLICATION NO.398 OF 2025

(CNR No.: MHCC050053712025)

IN

(C.R. NO.: 686/2025 OF VILE PARLE POLICE STATION)

Mr. Vivek Gunaji Parab

Age : 46 Years, Occ. : Service,

Residing at : A-2 Rambag Chawl,

Near Cigarette Factory, Vile Parle East.

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...Applicant/**Accused**

V/s.

The State of Maharashtra

(At the instance of Vile Parle Police Station)

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... Respondent

Appearance:-

Ld. Advocate Prashant Palekar for applicant/accused.

Ld. Advocate Puran Singh for the intervenor.

Ld. APP Geeta Malankar for State.

CORAM : H.H. ADDITIONAL SESSIONS JUDGE
SMT. NEETA S. ANEKAR (C.R.NO.09)

Date : 28th NOVEMBER, 2025.

:: ORDER ::

This bail application is filed under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short "BNSS") in connection with Crime No.686 of 2025 registered with Vile Parle Police Station for the offences punishable under section 74, 79 of the Bharatiya Nyaya

Sanhita (in short "BNS") r/w. Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012(in short "POCSO Act").

The brief facts of the prosecution case are as under:-

2. The First Information Report has been lodged by the victim stating that accused is her father and in November 2024 when the victim is sleeping her father pulled her near him and kissed her and was touching her private part. The victim could not understand what to do. On the next day her mother came from the work. Therefore, the victim narrated the incident to her mother. The mother of the victim asked the accused about it who submitted that he would not repeat the act. However, again the same incident occurred in January 2025 and August 2025. between 10.09.2025 to 14.09.2025 also the accused kissed the victim and touched her private part. Therefore, the victim got annoyed and lodged the first information report against the accused. Pursuant thereto the offence bearing crime no.686/2025 has been registered for the offence punishable under section 74, 79 of the BNS and section 8, 12 of POCSO Act.

3. Ld. Advocate for the accused while advancing arguments submitted that he is falsely implicated in the offence. The victim girl is having multiple affairs. The accused checked her mobile and questioned about the same. The victim was scared and therefore, she has lodged the false first information report. The statement of the witnesses have been recorded. The medical examination of the victim has also been done. During medical examination of the accused it was revealed that he is not in position to perform sexual intercourse. There is delay in lodging first information report. The accused has no criminal antecedents. He is ready to abide by all the conditions that may be imposed by this court. Hence, the application.

4. The application has been resisted by the prosecution by filing reply at Exh.11 contending that after lodging first information report the spot panchnama has been drawn. The medical examination of the victim has been conducted, her statement u/sec.183 of BNSS has been recorded. However, the investigation is in progress. The accused is father of the victim. If the application is considered, then there is every possibility of tampering prosecution evidence and absconding of the accused. Therefore, prosecution has prayed for the rejection of the present application.

5. Pursuant to the notice issue by this court the victim has filed her reply at Exh.12 stating that if the accused is released on bail he may repeat the offence. Therefore, she has prayed for the rejection of the application.

6. I have heard both the sides. It can be seen that after registration of first information report partial investigation has been conducted up till now. And the investigation is in progress. The accused is the father of the victim. The offence is serious. In such circumstances, if the application is considered then there is every possibility of tampering prosecution evidence and absconding of the accused. The claim of the accused that victim is having multiple affairs and therefore, she has falsely implicated him is concerned, that by itself is no ground to consider at this stage. Because the investigation is in progress and therefore, at this stage, I am not inclined to consider this application. Hence, the order :

ORDER

Application for bail (Exh.10) filed by the applicant **Mr. Vivek Gunaji Parab**, in connection with Crime No.686/2025, registered at **Vile Parle** Police Station for the offences punishable under section 74, 79 of the Bharatiya Nyaya Sanhita r/w. Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012, is hereby rejected and disposed of accordingly.

(Dictated and Pronounced in the open court)

Date : 28.11.2025

(NEETA S. ANEKAR)
Additional Sessions Judge
Borivali (Div), Dindoshi,
Goregaon, Mumbai.

Dictated on : 28.11.2025
Transcribed on : 01.12.2025
Corrected on : 02.12.2025
Date of sign : 02.12.2025

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”	
Date : 02.12.2025 Time : 4.30 p.m. UPLOAD DATE AND TIME	Ms. R. A. Monde (Stenographer Grade-I) NAME OF STENOGRAPHER
Name of the Judge (with Court room no.)	HHJ Smt.Neeta S. Anekar Court Room No.9
Date of Pronouncement of JUDGMENT/ORDER	28.11.2025
JUDGMENT/ORDER signed by P.O. on	02.12.2025
JUDGMENT/ORDER uploaded on	02.12.2025