

MHCC050017972026



IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
BAIL APPLICATION AT EXH. 2
SPECIAL CASE NO. 213 OF 2026
(CNR No. : MHCC050017972026)

IN
(C.R. NO.: 117/2026 OF ANDHERI POLICE STATION)

Sachin Suresh Kumar,	]
Age: 25 years, Indian inhabitant of Mumbai,	]
Presently Residing at Galli No.4,	]
The Great Indira Nagar, Marol Pipe Line,	]
Andheri (East), Mumbai- 400059.	]
Permanent resident of Village-Jyotipur Samaisa	]
Khjori Karoodi, Taluka- Jalalpur,	] ...Applicant/
District- Ambedkarnagar, Uttar Pradesh-224159	] Accused

V/s.

The State of Maharashtra	]
(At the instance of Andheri Police Station)	] ... Respondent

Appearance:-

Ld. Advocate Aanand Pandey h/f Princekumar Pandey for applicant/accused.

Ld. APP Geeta Malankar for State.

CORAM : H.H. ADDITIONAL SESSIONS JUDGE
SMT. S. N. BHALERAO (C.R.NO.09)

Date : 30th JULY, 2026

:: ORDER ::

1. Perused application and say. Heard Ld. Advocate for the

accused and Ld. APP. The present bail application has been filed under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short “BNSS”) in connection with Crime No.117 of 2026 registered with Andheri Police Station for the offences punishable under section 74 of the Bharatiya Nyaya Sanhita, 2023 (in short “BNS”) and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (in short “POCSO Act”).

2. The contentions in brief are that the accused is innocent and has been framed in present case with ulterior motive. The custody of the accused is not required for the purpose of the investigation as the investigation has been completed and charge-sheet has been submitted. Hence further detention of the accused in custody will not serve any fruitful purpose as far as the investigation or trial is concerned. That the alleged incident is stated to have occurred at a weekly Saturday market, which is admittedly a heavily crowded public place. In such crowded, accidental physical contact is natural and unavoidable, and the possibility of unintentional touch due to rush and movement of people cannot be ruled out. That the alleged touch may have been caused by some other person in the crowded market, and due to lapse of time and confusion in sight, the complainant's daughter may not have correctly identified the actual individual involved. The accused was merely standing and roaming for purchasing goods nearby, suspicion may have been cast upon him. The accused is the sole bread earner and further custody of the accused would deprive him and his family of necessary basic needs for survival. There is no likelihood that the trial would commence soon and the trial may take ages to be concluded. Hence, further detention of the accused in the case will amount to curtailment of accused's personal liberty and violation of his constitutional and

fundamental rights. It is well seuled principle of law and the Hon'ble Apex Court in a catena of decisions held that personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case. Hence, the present application seeking bail.

Ld. advocate for the accused has relied upon following judgments :-

- i. Vaibhav Bhaskar Kole Vs. The State of Maharashtra, Bail Application no.416/2015, Hon'ble Bombay High Court.
- ii. Varadarajan Vs. State of Madras, reported in AIR 1965 SC 942.
- iii. Sunil Mahadev Patil Vs. The State of Maharashtra, Bail Application no.1036/2015, Hon'ble Bombay High Court.
- iv. Pradeep Shivaji Shinare Vs. The State of Maharashtra, 2013 ALL MR (Cri.) 1317.
- v. Jagdish Ramniklal Kanani Vs. The State of Maharashtra, Cri. Appeal No.(S).512/2018, Hon'ble Bombay High Court.
- vi. Joginder Kumar Vs. State of U.P, (1994) 4 SCC 260, Hon'ble Apex Court.

3. The Investigating Officer has filed his say at Exh.3. He has opposed the bail application on the grounds that the offence is serious in nature and has been committed against a minor. If released, the accused may abscond or may threaten or pressurize the witnesses. He has prayed that the application may be rejected.

4. Ld. APP has submitted written arguments. According to her, the offence is serious in nature. She submitted that the prosecution has

filed detailed say and the same is a part of the arguments. Victim is minor accused committed this offence. Public had caught the accused in a public place. If granted bail there is a possibility that the accused may abscond or tamper the witnesses. Hence, application may be rejected. The informant has filed her say at Exh.4 to the effect that she does not have any objection to release the accused on bail.

5. In the present case, the Investigating Officer has opposed the bail application on the ground that the accused may hamper the investigation. However, the Charge-Sheet has already been filed which indicates that the investigation is over. The trial is yet to commence. The matter may take some time to achieve finality. Continued incarceration before determination of guilt may amount to pre-trial punishment. Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case. In *Sanjay Chandra Vs. CBI*, 2011 DGLS(SC) 935, the Hon'ble Apex Court has held that, in bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment. The Investigating Officer or Ld. APP have not been able to bring sufficient reasons on record to justify further custody of the accused. No recovery is to be made. As regards any apprehension of tampering with the evidence or pressurizing the witnesses is concerned, the same can be taken care of by imposing certain conditions. No purpose will be served by keeping the accused incarcerated indefinitely. In view of the above discussion, considering the facts and

circumstances, I proceed to pass the following order :-

:: ORDER ::

1. The Application (Exh.2) for bail in Special Case no.213 of 2026 is allowed.
2. The accused namely **Sachin Suresh Kumar**, be released on his executing Personal Bond and Surety Bond of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** with one or two sureties in the like amount in connection with **C.R. No.117 of 2026** registered with **Andheri Police Station** for the offences punishable under Section 74 of the BNS r/w. Section 8 of the Protection of Children from Sexual Offences Act, on the following conditions :-
 - (i) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her/him from disclosing such facts to the Court or to any police officer.
 - (ii) Till the conclusion of the trial, the accused shall not visit the vicinity where the victim resides or studies.
 - (iii) The accused shall not contact the victim in any manner till conclusion of trial.
 - (iv) The accused shall not tamper with the prosecution evidence in any manner.
 - (v) The accused shall inform his latest place of residence and submit documentary proof of his permanent address and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time

to the Court seized of the matter and to the Investigating Officer of the Police Station concerned.

(vi) The accused shall not leave India without prior permission from this Court.

3. Breach of any of the above conditions would be a ground for cancellation of bail.

4. The Application (Exh.2) is disposed off accordingly.

(Dictated and Pronounced in open court)

Date : 30/07/2026

**(S. N. BHALERAO)
Additional Sessions Judge
Borivali (Div), Dindoshi,
Goregaon, Mumbai.**

Directly typed on : 30/07/2026
Checked and Corrected on : 30/07/2026
Date of signature : 30/07/2026

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”	
Date : 30/07/2026 Time : 01.00 p.m. UPLOAD DATE AND TIME	Mrs. Jyoti S. Gole (Stenographer Grade-I) NAME OF STENOGRAPHER
Name of the Judge (with Court room no.)	HHJ Smt. S. N. Bhalerao Court Room No.9
Date of Pronouncement of JUDGMENT/ORDER	30/07/2026
JUDGMENT/ORDER signed by P.O. on	30/07/2026
JUDGMENT/ORDER uploaded on	30/07/2026