

MHCC020096062026



IN THE COURT OF SESSIONS FOR GREATER BOMBAY

AT MUMBAI

CRIMINAL BAIL APPLICATION NO. 1824 OF 2026

IN

C.R. NO. 320 OF 2026

Sukesh Mahesh Ram	]	
Age: Adult, Occ.: Labour,	]	
R/at : Village Nasbitti,	]	
Taluka Bathnaha, District Sitamarhi,	]	
State of Bihar.	]	Applicant/Accused

Versus

The State of Maharashtra	]	
(Through Pant Nagar Police Station)	]	...Respondent

Appearance :-

Advocate Adv. Navnish Mishra a/w Adv. M. Gound for Applicant-accused.

APP Ms. Jyoti Sawant for Respondent/State.

CORAM : HHJ S.K. UPADHYAY
Additional Sessions Judge,
C.R. No.34.

DATED : 31.07.2026

ORDER

1. This is an application by applicant/accused **Sukesh Mahesh Ram** under Section 483 of the Bharatiya Nyaya Suraksha Sanhita, 2023 for grant of bail.
2. The respondent-state objected the application by filing its say at Exh.3.
3. The victim objected the application by filing her say at Exh.2.
4. Heard Ld. Adv. Mr. Navnish Mishra a/w Adv. M. Gound on behalf of the Applicant-accused and learned APP Ms. Jyoti Sawant on behalf of the state at length.
5. The FIR is lodged by informant-victim that financial condition of victim's family was not sound. Hence, she came to Mumbai alongwith her friends in hope of earning money without informing her parents. While she was coming to Mumbai in train, she came with acquaintance with accused who promised her to provide work. Accordingly she came to house of accused who was staying with her sister. During the stay the sister proposed the victim for marrying with accused. Victim agreed. Accordingly they had physical relations. However, she became pregnant before marriage with the accused. When she asked accused about marriage, he quarreled with her and asked her to leave him. Hence, the FIR.

6. Initially, the offence was registered at Pant Nagar Police Station under Sections 4, 6 of POCSO Act vide C.R. No.320/2026. Post investigation the charge-sheet is filed under Section 64(2)(i), 64(2)(m) of B.N.S., 2023 since the victim was found major.

7. Ld. Advocate for applicant-accused submits that victim and accused both are major and they were knowing very well the consequences of their relations. The informant-victim on her own wish was staying with accused. Nothing is remained to recover or discover from accused. The charge-sheet is filed. Therefore further detention of the accused is not warranted. The trial will take its own time. With this it is prayed that accused be released on bail.

8. On the contrary Ld. APP submits that accused has committed sexual intercourse with the victim under the pretext of marriage. If accused is released on bail, there is chance of tampering of prosecution witnesses and evidence. With this it is prayed that application be rejected.

9. Having heard submissions canvassed by both parties, it is admitted fact that victim is major. She herself came with the accused to stay at his house. It is also prima facie appears that their relations were consensual. It is well settled legal proposition while dealing with regular bail application, is that the object of the bail is to secure appearance of the accused at the time of his trial by reasonable amount of bail. Its object is neither punitive nor preventive. Application of similar object and scanning instant application under same object is holding significance. A useful reference on

the point can be made from the law guided by the Hon'ble Supreme Court in the case of **Sanjay Chandra v. CBI reported in (2012 AIR(SC) 830)**. In present case there are no special reasons put-forth before this court that may lead to raise exception to aforesaid object. In **P. Chidambaram v. Directorate of Enforcement reported in (2020(13)SCC 791)** the Hon'ble Supreme Court repeatedly highlighted the proposition that Bail is the rule and jail is an exception. While enlightening on the aspect of bail the Hon'ble Court in the case of **Uttamsingh v. State of Himachal Pradesh (2021 ALL MR (Cri.) Journal 75)** held that the object of the bail is to secure the attendance of the accused in the trial and the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial. In instant matter there is no such anxiety that the accused may flee from justice and remain absent for the trial. As such the accused applicant has acceded to co-operate in trial.

10. The alleay raised by prosecution can be taken care by imposing stringent conditions. Considering the nature of offence and facts of case accused is entitled for the bail. But considering serious nature of the offence, the cash bail cannot be justified. Hence, the order :-

ORDER

1. Criminal Bail Application No.1824/2026 is allowed.
2. The applicant-accused **Sukesh Mahesh Ram** be released on bail in Crime No. 320 of 2026 is registered at Pant Nagar Police Station for the offences punishable under Sections 64(2)(i), 64(2)(m) of B.N.S.,

2023, on his executing of personal bond of Rs.50,000/- (Rs. Fifty Thousand only) with one or two sureties of like amount.

3. He shall submit verified copy of his Aadhar Card as well as other address proof along with his mobile number.
4. The applicant/accused is further directed to submit a list of at least three blood relatives with their detail residential addresses with documentary proof of showing the correctness of the details produced by him.
5. The applicant/accused is also directed that he and his sureties should submit copies of at least two documents amongst their respective Passport, Pan Card, Bank Passbook, Credit Card with photograph, Ration Card, Adhar Card, Electricity Bill, Landline telephone bill, Voter I.D. Card issued by the Election Commission of India and Property Tax Register while furnishing the bail.
6. The applicant/accused shall not tamper with the prosecution evidence in any manner and shall not indulge in any type of criminal activity. If it is noticed that she involved in such type of offence the prosecution will be at liberty to move for cancellation for bail.
7. The applicant/accused shall not change the place of residence without prior intimation to the concerned police station.
8. Applicant/accused shall not enter the locality where the victim and her family resides, so also shall not contact the victim through any media (mobile, facebook, instagram, e-mail or any other social media).

9. Any observation made in this order is made only for limited purpose of deciding this bail application and it shall not come in the way of trial during the trial.
10. Criminal Bail Application No.1824/2026 is disposed of accordingly.



Date: 31.07.2026

(S.K. UPADHYAY)
Additional Sessions Judge
Gr. Bombay

Directly typed on : 31.07.2026

Signed by HHJ on : 31.07.2026

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER.”

UPLOAD DATE AND TIME
31.07.2026 at 5.40 p.m.

NAME OF STENOGRAPHER
Mrs. Prajwala V. Phodkar

Name of the Judge (Court room no.)	S. K. UPADHYAY (Court Room No.34)
Date of Pronouncement of JUDGMENT/ORDER	31.07.2026
JUDGMENT/ORDER signed by P.O. on	31.07.2026
JUDGMENT/ORDER uploaded on	31.07.2026