

MHTH010079482025



**In the Special Court (under POCSO Act), Thane
(Presided over by R.U. Malvankar, I/c. Special Judge (under
POCSO Act) and Addl. Sessions Judge, Thane)**

Criminal Bail Application No.2238/2025

**Kishan Hariprasad Singh .. Applicant
alias Krishna Singh Hariprasad Singh Chauhan**

V/s.

State of Maharashtra .. Opponent

ORDER BELOW EXH.1

This is an application for grant of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with C.R. No.581/2025 registered with Navghar Police Station under Sections 64,65(1),351(2) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the “BNS), Sections 4,8 and 12 of the Protection of Children From Sexual Offences Act, 2012 (hereinafter referred to as the “POCSO Act”).

2] The first informant is the father of the victim, aged 15 years. On December 5, 2025, as usual, he got up at 8:30 a.m. and went to the victim's bedroom to get his ironed clothes. On her bunk bed, he found an unknown boy along with the victim in a nude

condition, and the victim was weeping. Thereafter, the first informant called the police helpline No. 112, and upon inquiry, they learnt the name of the present accused, who had become acquainted with the victim through Instagram. They shared a common liking for the game of football. The accused is an ordinary resident of Gwalior and had come to Bhayandar to meet the victim. The victim told them that she was going to play football matches, and during such visits, she had met the accused. She also informed her father, the first informant, that on that day, the accused had come to meet her downstairs of her building and told her that he wanted to share information about football matches. The victim told him that they would meet the next morning. However, the accused did not listen to her and insisted that they meet on the same day. Thereafter, he accompanied the victim to her bedroom and had a talk regarding football. Subsequently, he removed her clothes, threatened her not to scream, or else he would defame her. Thereafter, he removed his own clothes and had sexual intercourse with her forcibly.

3] In these premises, the accused was arrested on December 5, 2025, and has preferred this application, inter alia, contending that he has been falsely implicated in this case. It is contended that he and the victim were in mutual love relationship and were regularly communicating with each other through Instagram and other social media platforms for a considerable period. The victim herself was repeatedly initiating communication, expressing affection, calling, messaging, and requesting the applicant to meet her. She had on multiple occasions persuaded and insisted that the applicant travel to Mumbai, and hence, the meeting was mutually

planned, discussed in advance, and was not forced or induced by the applicant. All interactions, meetings, and conversations were voluntary on the part of the victim and arose purely out of their mutual liking and emotional involvement with each other. He has also contended that the alleged incident is inherently improbable, as all the family members were present in the house at the relevant time, leaving no possibility for any forceful act to occur. He has contended that no intercourse had taken place between the applicant and the victim at any point, and that he had entered the house at around 5:00 a.m. and remained there openly until 9:00 p.m. He argues that if he had any wrongful intention, he could have easily fled or avoided staying in the house for such a long duration. He has also contended that the victim throughout represented that she was 18 years old, as reflected in her Instagram profile, and therefore the applicant had every reason to believe this representation. He has also contended that payment transaction records, UPI screenshots, and online transfer details reflect that the victim herself transferred money to the applicant to facilitate his travel from Gwalior to Mumbai. Initially, the applicant was reluctant to travel, but the victim persuaded him repeatedly and supported him financially, indicating that the journey was neither sudden nor clandestine, and the applicant was not acting with any criminal intent but only responded to the victim's request. It is also contended that he entered the victim's house only upon the victim's insistence and presence.

4] It is further contended that the applicant is only a 19-year-old student and a National-level football player, studying and preparing for examinations. He represents his State in National-level

football tournaments and has a bright future, clean background, and active involvement in sports. His continued incarceration will cause irreparable damage to his education, career, and future prospects. It is also contended that there are no other criminal antecedents reported against him, and that he has a right to an effective trial, and his valuable and substantial right of defence will be affected and curtailed if he is detained in custody. It is submitted that he has deep roots in society and will not abscond or jump bail, and undertakes to cooperate in the investigation and also undertakes to abide by the terms and conditions that may be imposed.

5] Learned A.P.P. has resisted this application contending that accused has committed heinous and serious crime with a 15 year old girl despite knowledge of her young age and that he was found having a condom and in nude condition in the bedroom of the victim as such he was caught red-handed by the complainant father and therefore, she has objected for grant of bail.

6] The Investigating Officer filed a reply at Exh. 7, inter alia contending that the accused committed forcible penetrative sexual assault on the victim. It is alleged that the accused gained entry into her house under the guise of providing information about football, subsequently threatening to defame her. He was reportedly apprehended red-handed, in a nude condition, within the victim's bedroom. The prosecution expressed an apprehension that the accused has the capacity to harm the victim and other witnesses. Furthermore, the investigation revealed that the accused had borrowed ₹1,300 from the victim for his travel fare from Gwalior to

Bhayandar. It was also submitted that a condom packet was seized from his possession, and an apprehension that the accused may flee from justice was expressed.

7] The first informant has filed his reply at Exh.11 in which he has expressed an apprehension of risk to the life of the victim and therefore he has prayed that the application may be rejected.

8] Heard both sides at length.

9] The applicant/accused has produced on record certain messaging history between him and the victim. Ex facie, they were in regular touch with each other. It appears that the victim was insisting that he should come and meet her, and she frequently sent messages of "love you" to the accused. She also appears to have sent money to the accused via Paytm.

10] In such circumstances, the fact cannot be overlooked that the accused was found in nude condition in the victim's bedroom. This suggests a pre-meeting of minds and a pre-planned meeting. The previous chat history further reveals that they were close friends and were in love. The presence of the accused in the victim's house while other family members were present also suggests some degree of consent on her part. The accused is a young person, aged 19, and a National-level football player. There are no other criminal antecedents reported against him.

11] Furthermore, since the charge sheet has been filed, there is no apparent need for further custodial interrogation. His continued detention is likely to bring him into contact with hardcore criminals, which is not desirable. Hence, at this juncture, it is deemed fit to grant this application by imposing necessary terms and conditions.

ORDER

1] Criminal Bail Application No.2238/2025 for regular bail is allowed.

2] Applicant/accused **Kishan Hariprasad Singh alias Krishna Singh Hariprasad Singh Chauhan** be released on bail on furnishing PR. bond of Rs.30,000/- (in words Thirty Thousand Only) with one surety in the like amount.

3] Applicant shall file on record the authentic proof of residence - both permanent and present and his active mobile number.

4] Applicant shall not directly or indirectly make any inducement, threat or promise to the victim, witnesses or any other person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court.

5] The applicant shall not repeat the offence or commit any other offence.

6] The applicant shall regularly attend the Court each and every date and co-operate the trial and be represented by a duly

instructed legal practitioner.

7] Applicant shall not leave India without prior permission of the Court.

8] The soft copy of this order shall be sent to the accused by e-mail through the Jail Superintendent, as per directions of the Hon'ble Supreme Court of India in the case of In Re Policy Strategy for grant of bail in SMWP (CRIMINAL) No.4/2021 dated 31.1.2023.

Thane.
Date: 13.3.2026

(R. U. Malvankar)
I/c. Special Judge (under POCSO Act)
and Additional Sessions Judge,
Thane