

N.S.Kamble

**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1704 OF 2026

Prem Bharat Nandre ...Applicant

VERSUS

State Of Maharashtra And Anr ...Respondent

Mr.Jayendra Khairnar (Through VC) a/w Ms.Gauri Kulkarni, for the Applicant.

Ms.R.D. Humane, APP for Respondent-State.

Mr.Alema Bohra i/b Mr.Vikas Shivalkar, for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th MAY 2026

P.C. :

1. By this Application, the Applicant is seeking regular bail in Crime No.119 of 2025 registered with Malegaon Camp Police Station, Nashik, for the offences punishable under Sections 137(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS' for short) and Sections 3(A), 4, 5(m), 6, 11(6), 12 and 14(1) of the Protection of Children from Sexual Offences Act, 2012 ('POCSO' for short).

2. It is prosecution's case that on 10th May 2025, around 6.00 p.m., the Applicant and co-accused sexually assaulted the minor son of the First Informant.

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3. It is contention of learned counsel for the Applicant that there is delay in lodging the complaint. The First Informant has filed affidavit before the Trial Court stating that the Applicant's name was mentioned in the FIR due to misunderstanding and she has no objection to allow the Application, and requested to allow the Application.

4. It is contention of learned APP that the Applicant sexually assaulted minor son of the First Informant. If the Applicant released on bail, he may abscond or threaten First Informant and prosecution witnesses, and requested to reject the Application.

5. It is contention for the learned counsel for Respondent No.2 that Respondent No.2 has no objection to allow the Application. The name of the Applicant was wrongly mentioned in the FIR. She tendered Consent Terms, it is taken on record and marked 'X' for identification.

6. I have heard all learned counsel. Perused charge-sheet and documents produced on record.

7. There is delay in lodging the Complaint. At the time of the incident, the Applicant was 20 years old. The Applicant is behind bars for more than one year. The First Informant states that name of the Applicant was mentioned in the FIR due to misunderstanding.

8. Considering these facts, I pass following order.

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ORDER

- (i) The Applicant be released on bail in Crime No.119 of 2025 registered with Malegaon Camp Police Station, Nashik, on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iii) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.
- (iv) The Applicant shall attend the concerned Police Station as and when required.
- (v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)