



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 85 OF 2025

Sakharam Parmeshwar Gore
Age: 20 years, Occu.: Agriculture,
R/o. Vidoli, Tq.Mantha,
Dist.Jalna.Applicant

Versus

1. The State of Maharashtra
Through Officer In charge,
Police Station Mantha,
Dist.Jalna.
2. The Superintendent of Police,
Jalna, Dist.Jalna.
3. XYZ ..Respondents

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Advocate for Applicant : Mr.Sudarshan J. Salunke
APP for Respondent nos.1 & 2 : Mr.C.V.Bhadane
Advocate for Respondent no.3 : Ms.Falguni Kulkarni (appointed)

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 01 APRIL, 2025

PRONOUNCED ON : 03 APRIL, 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in crime no.0528 of 2024 registered at Mantha Police Station, Dist.Jalna for offence under Sections 65(1), 333, 351(2), 351(3) of the Bharatiya Nyaya Sanhita and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO Act).

2. Learned counsel submitted that applicant is barely 20 years of age. That, there is false implication. He pointed out that story narrated by victim is not possible. That, at the time of alleged incident, victim's younger brother was also in the house, but his statement has not been recorded. That, chargesheet is filed in December, 2024. He invited attention of the Court to medical papers and submits that there is no injury even when there are allegations of pushing and forcible rape. Learned counsel took this Court through the remarks and findings noted by the Medical Officer in medical papers and pointed out that looking into the nature of set up of house of victim, it is not possible to commit such serious offence. Learned counsel further pointed out that now even otherwise entire investigation is over and chargesheet is filed on 09-12-2024. That, applicant is a young boy. That, no further recovery or discovery is to be made at the instance of applicant. According to learned counsel, as applicant is ready to abide by all and any conditions imposed by this Court, he urges for grant of regular bail.

3. Learned APP as well as learned counsel for respondent no.3 / victim both strongly opposed application pointing out that victim is barely 14 years of age. That, taking disadvantage of her loneliness,

applicant entered in the house and he committed forcible sexual intercourse by issuing threats to harm family members of the victim. Learned counsel pointed out that Medical Expert has opined about “possibility of sexual violence cannot be ruled out”. They both also apprehends misuse of liberty, if bail is granted.

4. After considering the above submissions and on going through the papers, it is emerging that victim, who gave her age as 14 years of age, reported that her parents, elder sister were out of the house for last rituals of their relative. She and her younger brother aged 12 years were in the house and after taking dinner, when they retired, on 19-10-2024, at around 01:00 a.m., there was knock on the door. She claims that assuming that her parents have come, she opened the door, but found present applicant of their village at door and on the pretext of work, he entered the house, forcibly made her fall on the cot and she alleged being stripped and forcibly raped by issuing threats to harm her family members. When parents came, she reported them and thereafter, they approached Police.

5. Now primarily grounds pressed in support of relief are firstly, considering the spot, said occurrence is not possible, secondly,

statement of younger brother, who was said to be present in the house is not recorded and thirdly, medical notes do not suggest injuries.

6. Going by report of victim, who is 14 years of age, it is clearly emerging that she has been forced upon after allegedly threatened to harm family members. Mere absence of statement of victim's brother is not itself sufficient to discard or doubt her story, which is promptly reported. Therefore, considering the nature of allegations, though chargesheet is filed in December, 2024, taking the apprehension of learned APP and learned counsel for victim into consideration, this Court is not inclined to grant relief at this stage. Hence, following order is passed. :

ORDER

- (i) Bail Application No.85 of 2025 is rejected.
- (ii) Fees of the learned counsel appointed to represent respondent no.3 / victim is to be paid through the High Court Legal Services Sub-Committee, Aurangabad, as per Rules.

(**ABHAY S. WAGHWASE**)
JUDGE