



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 122 OF 2025

Ashok @ Ashish Sidhyanath Prajapati,
Age : 23 years, Occu. : Nil,
R/o. At present Bhagwan Baba Chowk,
Sarasnagar, Tq. & Dist. Ahmednagar.
Permanent R/o. Bileepuram Bhdnag,
Tq. & Dist. Unnav, Uttar Pradesh.

... Applicant

Versus

1. The State of Maharashtra,
Through Superintendent of Police,
Ahmednagar,
Tq. & Dist. Ahmednagar.

2. The Investigation Officer of
Tophkhana Police Station,
Tq. & Dist. Ahmednagar.

3. XYZ.

... Respondents

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Mr. Yogeshwar L. Bidve, Advocate for Applicant (Through Legal Aid)
Mr. C.V. Bhadane, APP for Respondent - State.
Ms. Gauri Kulkarni, Advocate for Respondent No.2 (Through V.C.)
(Appointed)

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 21 APRIL 2025

PRONOUNCED ON : 23 APRIL 2025

ORDER :

1. Instant application is for grant of regular bail on account of arrest of applicant in Crime No.1566 of 2023 registered at Tophkhana Police Station, Dist. Ahmednagar for offence punishable

under sections 376, 376(2)(n) and 506 of Indian Penal Code and under sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for applicant pointed out that, present applicant is a young boy in his early twenties. That, there is false implication. That, no specific instances of occurrence or dates are quoted by informant, who claims to be 16 years of age. That, there are allegations of being forcibly taken to the field and being forced upon, but medical evidence does not support such things. That, there was acquaintance and long relations. Report is lodged only after conceiving. Now, investigation is over and charge sheet is already filed. That, no recovery or discovery is to be made. That, trial will take sufficiently long time to conclude. That, applicant is behind bars since 27.01.2024 i.e. more than a year. For all above reasons, he urged for relief of bail.

3. Learned APP as well as learned counsel for informant have both strongly opposed on the ground that victim is a minor. That, report is by none other than victim. That, she being a minor, there is no question of her consent. That, serious offence is committed repeatedly and she has been impregnated. That, they both expressed misuse of liberty. Learned APP specifically pointed out

that, trial has already commenced. Charge is already framed. Recording of evidence is in progress and hence for such reason also learned APP opposes. In support of such contention he placed on record copies of roznama.

4. Heard. Perused the FIR dated 31.10.2023. It is by very victim. She reported that she is 16 years and 6 months old and her date of birth is 10.06.2007. She reported that, she studies in 12th standard and goes to college on bicycle. She reported that in last week of June, applicant came on shine motorcycle and declared that he liked her and sought her mobile, but she refused. She claims that again after 2 to 3 days, he meet her near gate of the college and took her on his motorcycle to the sugarcane field and maintained physical relations against her wish. She claims that because of threats she did not disclose anyone about the said incident. In July also, he called her and forcibly took her to the same spot and against her wish maintained physical relations. She further reported that, when she informed him about skipping mensural cycles, he stopped visiting her college. Resultantly, she lodged report.

5. Applicant is arrested in January 2024. However, charge is said to be framed on 25.11.2024 and evidence is in progress. Therefore, now trial has already commenced. Resultantly, without

entering into the merits, only on sole ground of trial to be underway, present application deserves to be rejected.

6. The application stands rejected.

7. Fees of learned Advocate, who is appointed to represent cause of respondent no.2 is to be paid by the High Court Legal Services Sub-Committee, Aurangabad as per rules.

(ABHAY S. WAGHWASE, J.)