



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

936 BAIL APPLICATION NO. 208 OF 2025

Shankar @ Kondiba Uttam Pawar

VERSUS

The State Of Maharashtra And Others

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Advocate for Applicant : Mr. Kadam Gajanan G.

APP for Respondents-State: Mr. P. P. Dawalkar

Advocate for Respondent No.3 : Ms. Anagha Rotte (Appointed through Legal Aid)

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CORAM : ARUN R. PEDNEKER, J.

Dated : June 17, 2025.

PER COURT :-

1. Heard the learned Counsel for the applicant, the learned APP for the respondent-State, and the learned appointed Counsel for respondent No.3.
2. The applicant seeks bail in connection with FIR No.343/2024 dated 15/09/2024, registered at Bhokar Police Station, District Nanded, for offences punishable under Sections 70(2), 138, 351(2)(3), and 3(5) of the *Bharatiya Nyaya Sanhita*, 2023, and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the FIR, on 14/09/2024 at about 08:00 p.m., the victim had gone to Palaj along with villagers and relatives from Sonari Tanda for *Dev Darshan*. After the Darshan, the victim remained outside the temple premises. Around 09:00 p.m., the applicant, Shankar @ Kondiba Uttam Pawar, approached her and asked her to play 'Aakashpalana'. She refused to accompany him. However, at around 09:15 p.m., the applicant allegedly took her to the tempo owned by Kunal Rathod, where the present applicant and the co-accused Kunal Rathod allegedly committed forcible sexual intercourse with her.

4. Subsequently, on 23/09/2024, the victim's statement under Section 183 of the *Bharatiya Nagarik Suraksha Sanhita* was recorded before the Magistrate. In that statement, she attributed the sexual assault only to co-accused Kunal Rathod and did not implicate the present applicant. She also submitted a written statement to the Magistrate reiterating that only Kunal Rathod was involved in the incident and that the applicant had been named in the FIR merely because of his friendship with Kunal Rathod.

5. Considering the victim's statement under Section 183 of the *BNSS* and the fact that the applicant has been in custody since 15/09/2024, this Court finds it appropriate to grant bail to the applicant, subject to conditions to ensure a fair trial.

6. In view of the above, the application is allowed on the following terms : -

a] The applicant shall be released on bail in connection with FIR No.343/2024 dated 15/09/2024, registered at Bhokar Police Station, District Nanded, for the aforesaid offences, on his executing a PR bond of Rs.25,000/- with one or two sureties of the like amount, to the satisfaction of the trial Court.

b] Upon release, the applicant shall not, in any manner whatsoever, contact the informant during the pendency of the trial.

c] The applicant shall cooperate with the trial Court and shall attend each and every hearing, unless specifically exempted by the trial Court.

d] The applicant shall not tamper with the prosecution evidence or attempt to influence the informant, witnesses, or any other person connected with the case.

e] Upon his release, the applicant shall furnish his current contact number and residential address to the trial Court and shall promptly update the same in case of any change.

7. It is made clear that any breach of the aforesaid conditions shall render the applicant liable for cancellation of bail. Further, the observations made herein are purely for deciding the present bail application and shall not influence the trial Court while deciding the case on merits.

8. Fees of the appointed advocate is quantified at Rs.10,000/- (in words rupees ten thousand only), to be paid by High Court Legal Services Sub-Committee, Aurangabad.

9. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.