



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 275 OF 2025

Sambhaji @ Sambha s/o Laxman Lakde

Age : 44 years, Occupation Labour,

R/o. Yewlamb, Post Niwgha, Taluka Hadgaon,

District Nanded.

... Applicant

Versus

1. The State of Maharashtra

Through the in-Charge Police Officer,

Police Station Hadgaon, Taluka Hadgaon,

District Nanded.

2. X Y Z

... Respondents

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Mr. V. M. Maney, Advocate for the Applicant.

Mr. P. K. Lakhotiya, APP for Respondent No.1-State.

Mr. P. V. Giri, Advocate for Respondent No.2.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 12.03.2025

Pronounced on : 13.03.2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in crime no. 01 of 2025 registered at Hadgaon Police Station, District Nanded for offences punishable under Sections 115(2), 352, 74 of the Bharatiya Nyaya Sanhita (BNS) and Section 8 of the POCSO Act.

2. Pointing to the date of FIR and date of arrest as 04.01.2025, it is submitted that occurrence is of 03.01.2025, but FIR is lodged on

the next day and as such, it is delayed FIR. It is pointed out that, there are allegations that Sambhaji Lakde, i.e present applicant, came to the informant's house at 8.30 p.m. and there was some episode of scuffle. But report is lodged that clothes of daughter of informant got torn. That, occurrence is exaggerated alleging outraging modesty of the girl. Considering the nature of allegations, nothing is to be recovered. That, in fact there were relations between informant and accused since previously. That, investigation is almost over and mere formality of filing charge has remained. As applicant is ready to abide all conditions, learned counsel prays for grant of bail.

3. Learned APP as well as learned counsel for the informant have both opposed on the ground that after abusing informant, when her two daughter intervened, one of them was caught and her clothes were pulled and torn apart and she was touched inappropriately at inappropriate place. Therefore, with such allegations, they both oppose bail application.

4. After considering the above submissions and on going through the papers, informant reported police that she resides with her daughters aged 17 and 16 respectively. She reported that for last 9 to 10 years, there were love relations between herself and present

applicant, but since 2023, they had parted ways. She reported that on 03.01.2025, questioning her for leaving his company, present applicant abused her in filthy language and while he was beating her, both two daughters intervened and at that time, it is alleged that, present applicant pulled the dress of one daughter thereby tearing it and breaking its buttons and he also allegedly inappropriately touched her. Thus, as submitted, *prima facie* it appears that occurrence was between informant and applicant, and after daughters intervened, subsequent episode has taken place. Considering such nature of allegations and when no further recovery is shown to be made at applicant's instance, relief of bail deserves to be granted. Hence, I proceed to pass the following order :

ORDER

- I. The application is allowed.
- II. Applicant Sambhaji @ Sambha s/o Laxman Lakde be released on bail in connection with Crime No. 01 of 2025 registered at Hadgaon Police Station, District Nanded, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicant shall not enter the vicinity where informant and her family members reside, till conclusion of trial.

[c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[d] The applicant shall attend the concerned police station twice in every week i.e. on every Thursday and Monday between 11.00 a.m and 02.00 p.m. till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]

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