



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 BAIL APPLICATION NO. 353 OF 2025

SIDDHARTH BHAGWAN WANKHEDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. S. J. Chaudhari h/f .Mr.
Amol Ram Joshi

APP for Respondent/State: Mr. D. J. Patil
Advocate for Respondent No.2:
Ms. F. M. Kulkarni (*Appointed*)

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CORAM : ARUN R. PEDNEKER, J.

DATE : 21.07.2025

P.C. :

1] Heard learned counsel for the applicant and the
learned APP for the respondent-State.

2] The applicant is seeking bail as he was arrested
on 29.08.2024 in connection with Crime No.0269/2024,
dated 28.08.2024, registered with Ramanand Police
Station, District Jalgaon, for the offences punishable under
Sections 63(b), 65(2), 74, 76, 127(1), 351(3) of the
Bharatiya Nyaya Sanhita, 2023 & under Sections 4 and 6 of
the POCSO Act.

3] The alleged incident relating to POCSO offence

is dated 12.08.2024. The FIR is registered on 28.08.2024 and the applicant is arrested on 29.08.2024.

4] It is stated in the FIR that the victim was aged 10 years and 9 months. It is the statement of the informant that her daughter / victim was playing hide and seek along with children of the applicant and when the victim had gone in the house of the applicant for hiding herself, the applicant closed the door and caught hold the victim and abused her in the manner noted in the FIR. It is stated that the applicant had also molested the victim and on removing her clothes had inserted his finger in her private part. Thereafter, the victim was able to manage to rescue herself from the clutches of the applicant and ran out. The victim was crying and informed the incident to her sister. Thereafter, in the night, when the mother of the victim returned from work, she noticed that the victim was crying and on being asked she narrated the incident and thereafter, the informant went to the landlord and informed him about the incident, to which the landlord replied that we will talk into this issue later on. To avoid the defamation, the incident was not reported immediately but on the advice of the brother of the informant the FIR was registered later on.

5] The learned counsel for the applicant submits that the applicant's family and informant's family are

tenants of the same landlord and that the landlord also resides in the same premises. He submits that the statement of the landlord so also of the family members is taken. The date of the FIR is 28.08.2024 and the applicant is arrested on 29.08.2024. Demand for compensation was made with the landlord on the date of the FIR and that money being not paid the FIR is being registered.

The learned counsel for the applicant further submits that the applicant is in custody for a long time and that it is necessary for him to take legal assistance so also there are no antecedents against the applicant and the applicant has to look after his family. The offence is not made out as alleged.

6] The learned APP points out 183 BNSS statement of the victim and submits that the allegations made by the informant are also corroborated by the 183 BNSS statement of the victim. He submits that the offence is made out and that the minimum punishment is of 20 years.

7] Considered the rival submissions. From the 183 statement of the victim so also on perusal of the statement of the landlord wherein he has mentioned that on the alleged date of incident the victim was crying and had mentioned that the applicant had caught hold of her, it appears that on 12.08.2024 some incident has taken place. Incident has taken place and the offences alleged are grave

in nature.

8] Considering the same and, prima facie, there is material available against the applicant and that there is no prior enmity between the applicant and the informant and prima facie no reason to implicate the applicant in such a type of situation and considering the gravity of offence, this court finds it difficult to grant bail to the applicant at this stage and, thus, the application stands rejected. However, liberty is reserved to the applicant for filing afresh bail application after six (06) months, prosecution fail to examine all it's witnesses and the applicant does not delay the trial.

9] Ms. F. M. Kulkarni, learned counsel appointed to represent the cause of the victim / respondent no.2 shall be paid her fees of Rs.10,000/- by the High Court Legal Services Sub-committee, Aurangabad.

10] The Bail Application stands disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE

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