



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

934 BAIL APPLICATION NO. 375 OF 2025

Sambhaji Sopan Ganganpad

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Gade Akash D.

APP for Respondents: Mr. N. D. Batule

Advocate for Respondent No.2 : Mr. Shardul G. Shinde (Appointed)

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CORAM : ARUN R. PEDNEKER, J.

Dated : July 17, 2025.

PER COURT :-

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 in connection with FIR No.0218/2024, dated 21/09/2024, registered with Malakoli Police Station, Taluka Loha, District Nanded, for the offences punishable under sections 64(1), (2)(i), 74, 75, 78, 79 and 49 of the Bharatiya Nyaya Sanhita, 2023, and Section 4, 8, 12 and 17 of the Protection of Children from Sexual Offences Act (POCSO), 2012.
3. FIR was registered against the applicant for outraging the modesty of the informant, a 16 year old girl, on 20/09/2024. The applicant was arrested on the same day. Subsequently, the victim's supplementary statement was recorded, wherein she reiterated the incident dated 20/09/2024 as mentioned in the FIR. Additionally, she stated that on 18/09/2024, the

applicant took her on his motorcycle around 08.30 p.m. towards Kandhar. However, upon seeing the police, he turned back and took her to his house in Patalganga. There, he allegedly engaged her in sweet talk, removed her clothes, and had sexual intercourse with her. Consequently, an offence of penetrative sexual assault was registered on the next date.

4. The learned Counsel for the applicant argued that the informant was nearly of an age of understanding and had willingly travelled with the applicant and the allegation of penetrative sexual assault is an improvisation over her earlier statement.

5. Per contra, the learned APP and the appointed Counsel for respondent No.2 drew the Court's attention to the victim's statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. In the said statement, the victim alleged that on 18/09/2024, the applicant forcibly took her to his house in the afternoon, subjected her to non-consensual physical relations, and subsequently dropped her back home on motorcycle.

6. The learned APP opposed the bail application, emphasizing the gravity of the offence and relying upon the victim's statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7. *Prima facie*, from the material on record, it appears that the FIR does not mention any incident of penetrative sexual assault. The supplementary statement records penetrative sexual assault by the applicant making sweet and affectionate talks.

8. It is further to be noted that the victim herself has stated before the doctor that the applicant, who is her neighbour, was on good terms with her for the past six months and used to speak to her affectionately. The medical report also reflects a history of relation of last six months except for the last four days when her parents came to know about their relationship.

9. Considering the above circumstances, and the fact that the girl is of an age where she can understand the nature of the relationship, coupled with the fact that the applicant has been in custody since 21/09/2024, the investigation is complete, and the charge-sheet has been filed, this Court finds it appropriate to grant bail to the applicant.

10. In view of the above, the application is allowed in the following terms: -

a] The applicant shall be released on bail in connection with FIR No.0218/2024, dated 21/09/2024, registered with Malakoli Police Station, Taluka Loha, District Nanded, for the offences punishable under sections 64(1), (2)(i), 74, 75, 78, 79 and 49 of the Bharatiya

Nyaya Sanhita, 2023, and Section 4, 8, 12 and 17 of the Protection of Children from Sexual Offences Act (POCSO), 2012, on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

f] The applicant shall not enter the limits of Village Patalganga, Taluka Kandhar, District Nanded, till the conclusion of the trial.

11. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

12. 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.

13. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.