



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 464 OF 2025

ISHWAR BHAUSAHEB DADAR
VS.
THE STATE OF MAHARASHTRA AND ANR.

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Advocate for applicant : Mr. R.R. Karpe
APP for respondent/State : Mr. D.J. Patil
Advocate for respondent No. 2 : Mr. C.C. Deshpande (appointed)

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CORAM : ARUN R. PEDNEKER, J.
DATE : 14/08/2025

PER COURT :-

1. Heard the learned counsel for the applicant, the learned APP for the respondent-State and Mr. C.C. Deshpande, learned counsel appointed for respondent No. 2.
2. The applicant is seeking bail as he is arrested in connection with Crime No. 1002/2024 dated 10.9.2024 registered with Kotwali Police Station, Ahmednagar for the offence punishable under sections 65(1), 74, 75, 78, 351(2) of B.N.S., 2023 and sections 4, 8 and 12 of POCSO Act, 2012.
3. Crime is registered on the basis of FIR dated 10.9.2024 lodged by the victim, who is 12 years 11 months old at the relevant time. In the FIR, it is stated that she is living with her uncle, aunt and grandmother. The grocery shop in the house is looked after by her aunt and the victim is studying in 8th standard. It is stated in the FIR that she knew the applicant who was 20 years old at the relevant time. It is stated in the FIR that on 27.6.2024 at about 1.30 p.m. when there was nobody in the house, the applicant entered in her house and proposed her. When the victim refused, the applicant left.

Thereafter, applicant again attempted to propose 2-3 time to the victim, but the victim refused. On 1.7.2024 also same episode happened. It is stated in the FIR that on 8.7.2024, on the birth day of applicant, the applicant had stated that he wanted to meet the victim and the victim agreed. Thereafter, he often met the victim on various occasion in the shool premises. It is stated in the FIR that on 30.8.2024 at about 1.30 p.m. when the informant was alone at home, the applicant came and asked her to give water to drink. When the victim went to bring water, the applicant locked the door from inside and by threatening the victim had forceful sexual intercourse with the victim. It is stated in the FIR that on 5.9.2024 the applicant threatened the victim that if she disclosed the incident, he will do something to her aunt. As such, the FIR is registered with some delay against the applicant for the aforesaid offences. The applicant came to be arrested on 11.9.2024. After completion of investigation, chargesheet in the matter is filed. The trial court has rejected the bail application of the applicant. Hence, the present application is filed.

4. The learned counsel for the applicant submits that the applicant and victim were in love relations and it appears that at some stage, the victim had resiled from the love relations and the complaint is filed. The applicant is arrested on 11.9.2024 and since then he is behind bars. The learned counsel submits that chargesheet in the matter is filed and there are no antecedents against the applicant. The learned counsel submits that considering all above, bail be granted to the applicant.

5. The learned APP as well as the learned counsel appointed for respondent No. 2 have strongly opposed the application on the ground that the victim was only 12 years and 11 months old at the relevant time and

pray to reject the application.

6. Considering the above submissions and police papers, it appears that at the relevant time victim is below 13 years of age and the applicant was 20 years of age. The victim was not of age of understanding at the relevant time. From perusal of the police papers, prima facie it appears that this is the case of forceful sexual assault although the applicant had some kind of relations with the victim earlier.

7. Considering all above, the application stands rejected with liberty to file bail application afresh in the event the trial does not conclude within one year from today.

8. It is 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.

9. The application stands disposed of.

10. High Court Legal Services Sub-Committee, Aurangabad shall pay fees of Rs.10,000/- to the learned counsel appointed for respondent No. 2.

[ARUN R. PEDNEKER, J.]

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