

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 BAIL APPLICATION NO. 481 OF 2025

PRASHANT SAHAKARI SURYAWANSHI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mrs. Vanita Haribhau Sangole-Jaitmal, (Through Legal Aid)

APP for Respondent/State : Mr. G.O. Wattamwar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 31/07/2025

P.C. :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail as he is arrested in connection with Crime No. 22/2024 dated 8.2.2024 registered with Jalkot Police Station, District Latur for the offences punishable under sections 376, 354, 452, 323 of I.P.C.
3. The case of the prosecution against the applicant is that in the first incident, when the informant victim was standing in the tin shed in front of her house, the applicant had assaulted the victim and had inserted finger in her private part. It is also alleged that on the same day in the second incident, the applicant has entered in the house of victim and has insulted the modesty of the sister of the victim. Hence, the crime is registered against the applicant for aforesaid offences.
4. The learned counsel for the applicant submits that the applicant is arrested on 9.2.2024 and since then he is behind bars. The learned counsel points out the statement of victim recorded under section 164 of Cr.P.C. before the Magistrate wherein the victim has stated about the incident of assault, however, the victim not stated about the insertion of finger in the

private parts. The learned counsel for the applicant therefore submits that offence of penetrative sexual assault is not made out prays to release the applicant on regular bail.

5. The learned APP has strongly opposed the application on the ground that serious offence is committed by the applicant against the victim and her sister. The learned APP therefore prays for rejection of the application.

6. Having considered the above submissions and police papers and on perusal of statement u/s. 164 of Cr.P.C. of the victim recorded before the Magistrate, it appears that the victim has not stated about the incident of insertion of finger in her private part by the applicant. It appears that since last one and half years the applicant is behind bars and it is not known when the trial would conclude. Considering the statement of victim u/s.164 of Cr.P.C. and that the applicant is behind bars for last one and half years I hold that bail can be granted to the applicant.

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

- a] The applicant shall be released on bail in connection with Crime No. 22/2024 dated 8.2.2024 registered with Jalkot Police Station, District Latur for the offences punishable under sections 376, 354, 452, 323 of I.P.C., on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- b] The applicant shall not enter the village of the victim i.e. Ravankola, Taluka Jalkot during pendency of the trial.
- c] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.
- d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

e] 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.

f] 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.

8. 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.

9. 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.

10. The application stands disposed of.

11. High Court Legal Services Sub-Committee Aurangabad shall pay the fees to the learned counsel appointed for the applicant as per rules.

[ARUN R. PEDNEKER, J.]

SSC/