



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

946 BAIL APPLICATION NO. 634 OF 2025

Dnyaneshwar Rohidas Gore

VERSUS

The State Of Maharashtra And Others

...

Advocate for Applicant : Mr. Salunke Sudarshan J

APP for Respondents-State: Ms. P. V. Diggikar

Advocate for Respondent No.3 : Mr. Rahil R. Kazi (Appointed)

...

CORAM : ARUN R. PEDNEKER, J.

Dated : June 13, 2025.

PER COURT :-

1. Heard the learned Counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail in connection with FIR No. 0537/2025 dated 04/12/2024, registered with Police Station Georai, District Beed, for the offences punishable under Sections 76, 333, 115(2), 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023, and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The prosecution case, as stated in the FIR, is that on 17/11/2024 at about 3:30 p.m., the applicant, under the influence of liquor, entered the informant's house and attempted to molest the informant's ten year old daughter. The informant was alerted by a neighbour about shouting inside the house. She rushed home and found her daughter naked and crying, and the child narrated the incident to her. It is further alleged that on 01/12/2024, the applicant again entered the informant's house and threatened her by saying that last time he had spared her daughter but would not do so in the

future. It is also stated that the informant is a widow and she had developed love relations with the applicant and were living together as husband and wife from 2021.

4. The learned Counsel for the applicant submits that the FIR was lodged belatedly on 04/12/2024 although the first incident is alleged to have occurred on 17/11/2024. He further submits that the applicant was arrested only on 23/01/2025 and that the girl was not medically examined to ascertain any act of sexual assault. He points out discrepancies: in her statement to the police, the daughter stated only that the applicant had entered the house and teased her (छेडछाड़ केली), whereas in her statement under Section 164 of Cr.P.C., she stated before the Magistrate that the applicant had removed her clothes and ran away when her mother arrived. The learned Counsel also submits that there are inconsistencies in the mother's statement regarding the phone call by the neighbour.

5. The learned APP opposes the application, submitting that the offence is grave, involving molestation of a minor girl, and that if released, the applicant may commit a similar offence or pose a threat to the victim and her family. Considering the victim's young age, it is argued that bail should not be granted.

6. The learned Counsel for respondent No.3/victim has also opposed the bail application and pointed out that the victim's statement under

Section 164 Cr.P.C. (now replaced by Section 183 of the Bharatiya Nagarik Suraksha Sanhita) corroborates the incident as narrated in the FIR by her mother.

7. Considering the rival submissions, *prima facie* it is seen that the charge-sheet has been filed and the investigation is complete. It is also to be noted that the applicant has no antecedents. The relationship between the informant and the applicant was consensual at some point. There is discrepancy in the statement made by victim to the police and her statement under Section 164 of Cr.P.C. (now replaced by Section 183 of the Bharatiya Nagarik Suraksha Sanhita). The maximum sentence for the alleged offences is imprisonment up to seven years. The apprehensions expressed by the learned APP and learned Counsel for respondent No.3 can be safeguarded by imposing stringent conditions.

8. In view of the above, the application is allowed on the following terms: -

- a] The applicant shall be released on bail in connection with FIR No. 0537/2025 dated 04/12/2024, registered with Police Station Georai, District Beed, for the aforesaid offences, on his furnishing a 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 or her daughter in any manner whatsoever during the pendency of the trial.
- c] The applicant shall cooperate with the trial Court and

shall attend each and every date of hearing unless exempted by the trial Court.

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

e] Upon release, the applicant shall furnish his current contact number and residential address to the trial Court and shall update the same in the event of any change.

f] The applicant shall not enter the vicinity of Maharanapratap Nagar, Georai, during the pendency of the trial.

9. Needless to say, in case of breach of any of the above 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 confined to the disposal of this bail application only. The trial Court shall proceed further on its own merits, uninfluenced by any of the observations hereinabove.

10. Fees of the appointed advocate are quantified at Rs.10,000/- (Rupees Ten Thousand only), to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

11. The application stands disposed of accordingly.

(ARUN R. PEDNEKER, J.)

vj gawade/-.