



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

BAIL APPLICATION NO.714 OF 2025

Rahul Kishan Suryawanshi

VERSUS

The State of Maharashtra and Another

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Advocate for applicant : Mr. V. B. Patil

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

Advocate for Respondent No.2 : Mr. Sanket S. Palnitkar

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CORAM : ARUN R. PEDNEKER, J.

Dated : July 16, 2025.

ORDER : -

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. 33/2025, dated 03/02/2025, registered with Police Station Markhel, Taluka Degloor, District Nanded, for the offences punishable under Sections 64 and 351(2) of the Bharatiya Nyaya Sanhita and under Section 4 of the Protection of Children from Sexual Offences (POCSO) Act.
3. The alleged incidents are said to have taken place on 12/10/2024 and 03/02/2025. The FIR was registered on 03/02/2025, and the applicant was arrested on 04/02/2025. As per the case of the prosecution, the victim is the 16 year old daughter of the informant. It is stated that she speaks only Kannada and is unable to communicate in Hindi or Marathi. The FIR alleges that on 03/02/2025, the father of the victim was informed by villagers that certain objectionable photographs of his daughter were being circulated. Upon inquiry, the victim disclosed that during the Durga Mata Festival, the

applicant allegedly took her to the bathroom of one Raju's house and engaged in inappropriate conduct. It is further alleged that the applicant took objectionable photographs of the victim and threatened to circulate them if she revealed the incident to anyone. Thereafter, the applicant again asked the victim to send her nude photographs to him. Under duress, the victim allegedly sent further photographs, which the applicant later showed to some villagers. Accordingly, the FIR was lodged by the victim's father.

4. The applicant's earlier bail application was rejected by the Trial Court. The learned Counsel for the applicant submits that the offence is registered against seven individuals in total and that there is a dispute regarding the age of the victim. It is submitted that as per the admission extract at page 143, issued by the competent authority, the date of birth of the victim is mentioned as 21/08/2006, which would make her a major on the date of the alleged incident. It is further submitted that there is no medical evidence or other material on record to support the allegation of use of force. Hence, it is contended that the essential ingredients of Section 4 of the POCSO Act and Section 64 of the BNS may not be attracted.

5. On the other hand, the learned Counsel for respondent No.2 (the victim) submits that the statements of villagers indicate that the applicant

had shown objectionable photographs of the victim to them. It is submitted that the victim is a minor and that her date of birth as per the school record (admission extract from Government HRPS Janwada) is 21/08/2006. He further submits that the defence now taken by the applicant regarding the age of the victim is a matter of evidence, which can only be determined during trial.

6. Having regard to the material on record, it appears that a mobile phone was recovered at the instance of the applicant, in which objectional photographs of the victim are found, as noted in seizure panchanama of the phone. The statements of villagers support the allegation that objectionable photographs were circulated. The statement of the victim also discloses coercive circumstances. Even if the age of the victim is subject to verification during trial, the material on record indicates the involvement of the applicant in the alleged acts. At this stage, the allegations cannot be lightly brushed aside.

7. Considering the nature and seriousness of the allegations, and the stage of the proceedings, this Court is not inclined to grant bail to the applicant at this juncture. Accordingly, the application stands dismissed. However, liberty is granted to the applicant to apply afresh after a period of one year, in the event the trial is not concluded by then.

8. It is clarified that the observations made herein are restricted to the consideration of the present bail application and the Trial Court shall not be influenced by the same while deciding the case on its own merits.

(ARUN R. PEDNEKER, J.)

vj gawade/-.