



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

937 BAIL APPLICATION NO. 909 OF 2025

NILESH SANJAY NILE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Bhushan Mahajan.
APP for Respondent / State : Mr. P. P. Dawalkar.
Advocate for Respondent No.2 : Mr. S. S. Gangakhedkar. (Appointed)
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 15th October, 2025.

P.C.:

1 Heard.

2 This is an application, under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short "the BNSS"), for grant of
regular bail in connection with Crime No.183 of 2024, registered at
Warangaon Police Station, District Jalgaon, for the offences
punishable under Sections 64, 351, 351(1), 351(2) and 64(2)(m) of the
Bharatiya Nyaya Sanhita, 2023 (for short, "the BNS") and under
Sections 4 and 6 of the Protection of Children from Sexual Offences
Act, 2012 (for short, "the POCSO Act").

3 The informant averred in the report that her daughter of 14
years and 3 months old, was found conceived on 26th September,

2024. She was taken to the hospital. At that time, she told that the applicant called her in his house and committed aggravated sexual assault on her for two times. She did not disclose that incident to anybody.

4 The learned counsel for the applicant submitted that the date of birth of this applicant is 1st June, 2006. The alleged incident, as per the informant's case, took place on 3rd September, 2024. The learned counsel for the applicant submitted that at the time of incident, the applicant was below 18 years of age. The applicant has roots in the society and he will not flee away from the trial. Trial will take a long period. It is lastly prayed to allow the application.

5 The learned APP for the State and the learned appointed counsel for respondent No.2 strongly opposed the application and submitted that the applicant is booked for a serious offence, for which imprisonment for the remainder of life is the prescribed punishment. It is submitted that if the applicant is released on bail, he will pressurize the prosecution witnesses and tamper with the evidence. The possibility of commission of similar nature of crime again on the part of the applicant also cannot be ruled out, if he is released on bail. Considering the age of the victim child, it is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the statement of the victim child.

7 The statement of the victim child shows that the incident took place before 6 to 7 months and it was revealed when she did not attain menstruation. Till then the fact of alleged incident was not known to any body, except the applicant and the victim child. It shows that there is no force on the part of the applicant while commission of the said crime. From the submissions of the learned counsel for the applicant, it reveals that at the time of alleged incident, the applicant was below 18 years of age. However, it is a matter of evidence. It is the case of love between two young persons. Considering all these aspects, the application deserves to be allowed, as the applicant has roots in the society and he will not flee away from the trial as well as on the principle that bail is rule and jail is exception, on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.183 of 2024, registered at Warangaon Police Station, District Jalgaon, for the offences punishable under Sections 64, 351,

351(1), 351(2) and 64(2)(m) of the Bharatiya Nyaya Sanhita and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, be released on bail on furnishing personal bond of Rs.25,000/- with surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- b) The applicant shall not enter into Bhusawal Taluka, till the conclusion of trial, except on the dates fixed by the Trial Court for attending the trial.

III. The fees of Mr. S. S. Gangakhedkar, learned counsel appointed to represent the cause of respondent No.2, shall be paid through the High Court Legal Services Sub-Committee, Aurangabad, as per Rules and Schedule. As submitted by Mr. Gangakhedkar, learned counsel, the said amount shall be paid to the Library, Advocates' Association of Bombay High Court, Bench at Aurangabad.

[SANJAY A. DESHMUKH, J.]