



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

39 BAIL APPLICATION NO. 1037 OF 2025

**OMKAR ALIAS OM MURALI NAVLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr.M.L.Muthal
APP for Respondent-State : Mr.N.B.Patil
Advocate for Respondent no.2 : Ms. Pooja Kishor Apache
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 28.07.2025**

P.C. :

1] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for respondent no.2.

2] The applicant is seeking bail as he is arrested on 13.02.2025 in connection with Crime No. 587/2024, registered with Gevrai Police Station, Taluka Gevrai, District Beed, for the offence punishable under Sections 64, 65 (1), 137 (2), 351 (2) (3) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 12 of the POCSO Act, 2012.

3] The FIR is registered on 31.12.2024 against the present applicant, alleging that the victim, aged 15 years, is

studying in 9th Standard and every day goes to the school on bicycle. On 31.12.2024, her bicycle had punctured, therefore, she walked to the school. As it was month end, the school working finished at 10.30 a.m. The victim was expected to return at that time. She did not return home till 2.00 p.m. The informant made enquiry in the school, then, she came to know that her daughter did not go to the school on that day. As such, the FIR of kidnapping is lodged against unknown person. Thereafter, the applicant came to know about the police complaint lodged by the mother of the victim, he told the victim that he will take her back and on the way back he committed rape on her and left her at Pachegaon. Thereafter, the applicant is arrested on 13.02.2025.

4] The statements of the victim was recorded on 01.01.2025 and 31.01.2025. Before the Police as well as before the Magistrate, she stated that the applicant had made sexual intercourse with her at Pachegaon. Thereafter, the applicant is arrested on 13.02.2025.

5] The learned counsel for the applicant submits that the applicant and victim are the relatives and the victim in her statements dated 01.01.2025 and 31.01.2025 has stated that the applicant had made sexual intercourse on her at Pachegaon. He further submits that on 17.01.2025 the victim has positively stated before the Medical Officer

that there was no sexual intercourse between the applicant and victim and the statements of the victim are not consistent. As such, the bail should be granted in favour of the applicant.

6] *Per contra*, the learned APP and the learned counsel for the respondent no.2 submit that the applicant is involved in the alleged crime and the statements of the victim before the police as well as before the Magistrate are consistent. Considering the same, the bail should not be granted in favour of the applicant.

7] Considering that the victim had denied to undergo medical examination immediately after registration of FIR and later in her statement before the Medical Officer, she had denied sexual assault, at this stage, *prima facie* there is doubt that the applicant had made sexual intercourse with victim. The applicant is in jail from 13.02.2025. Investigation in the matter is complete and charge sheet is filed. Considering this aspect of the matter, the applicant is granted bail. The application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 587/2024, registered with Gevrai Police Station, Taluka Gevrai, District Beed, for the offence punishable under Sections 64, 65 (1), 137

(2), 351 (2) (3) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 12 of the POCSO Act, 2012, 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 jurisdiction of Gevrai Taluka, till conclusion 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.

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. 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.

9] The application stands disposed of.

10] Ms.Pooja Kishor Apache, learned counsel appointed by this Court to represent the cause of respondent no.2, shall be paid fees of Rs.10,000/- by the High Court Legal Aid Services Sub-Committee, Aurangabad.

[ARUN R. PEDNEKER]
JUDGE

DDC