



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

939 BAIL APPLICATION NO. 1101 OF 2025

Shravan Alias Mari Sanjay Tekule

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Uttam Laxmanrao Telgaonkar, Telgaonkar Nitin U.

APP for Respondents-State: Ms. A. S. Mantri

Advocate for Respondent No.2 : Ms. Pratibha Suryawanshi (Appointed)

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CORAM : ARUN R. PEDNEKER, J.

Dated : August 05, 2025.

PER COURT :-

1. Heard the learned counsel for the applicant, the learned APP for the respondent-State, and the learned appointed counsel for respondent No.2.
2. The applicant is seeking bail in connection with FIR No. 65/2025, registered with New Mondha Police Station, Parbhani, District Parbhani, for the offences punishable under Sections 137(2), 96, 64, 65(2), 64(i), 70(1), 115(2), 351(3), and 3(5) of the *Bharatiya Nyaya Sanhita*, and Sections 4, 6, 8, 10, 12, and 17 of the *Protection of Children from Sexual Offences Act, 2012* (POCSO Act).
3. The prosecution case is that on 24/02/2025, at around 03:00 a.m., the informant's minor daughter had gone to collect scrap along with two neighbouring children. However, she did not return home. Upon inquiry, the neighbours' children informed the family that two unknown persons on a blue coloured motorcycle had arrived and forcefully took the victim with them. One of the accused had the word "MOM" tattooed on his neck. It is alleged that the accused persons took the victim to an isolated house, where she was

sexually assaulted. The next day, the victim returned home and narrated the incident. She stated that she was given a drink, after which she became unconscious. Upon regaining consciousness the following morning, both accused persons were still present, after which she left the place and returned home.

4. During the course of investigation, the person with the “MOM” tattoo was identified and arrested as accused No.1 – Yashodip @ Yema Kankute. The present applicant was arrested as accused No.2 on the ground that the motorcycle used in the offence was found to belong to the uncle of the applicant and was allegedly used by accused No.1 during the offence. An identification parade was conducted during which the victim identified only accused No.1. She failed to identify the present applicant. No recovery connecting the present applicant directly to the commission of offence has been shown. Moreover, no independent eyewitnesses were subjected to a test identification parade in relation to the applicant.

5. The learned counsel for the applicant submitted that the applicant has not been identified by the victim, nor is there any material to suggest his presence with accused No.1 at the time of the incident. It is argued that the applicant has been implicated merely on the basis of the ownership of the motorcycle, which itself is registered in the name of his uncle, and such a link is insufficient to justify his continued detention.

6. Per contra, the learned APP as well as the learned appointed counsel for respondent No.2 strongly opposed the bail application. It was submitted that two persons had taken the victim on a motorcycle and committed the offence. It is alleged that the motorcycle used belonged to the applicant's uncle and was generally used by the applicant. It was argued that this circumstantial evidence points towards his involvement along with accused No.1, who has already been identified by the victim.

7. Having considered the rival submissions and upon careful perusal of the investigation papers, it is evident that the victim failed to identify the present applicant during the identification parade. The mere use of a motorcycle, allegedly by the accused No.1, without any direct involvement of applicant being established, and in the absence of any recovery or corroborative evidence, weakens the prosecution's case against the applicant. No eyewitness has identified the applicant, nor was any independent witness subjected to a test identification parade in respect of the applicant. The investigation is complete and charge-sheet has been filed. In these circumstances, further custodial detention of the applicant is not warranted.

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

a] The applicant shall be released on bail in connection with FIR No. 65/2025 dated 25/02/2025, registered at New Mondha Police

Station, District Parbhani, on furnishing a personal bond of Rs.25,000/- (Rupees Twenty-Five Thousand only) with one or two sureties of the like amount to the satisfaction of the trial Court.

b] The applicant shall not, in any manner, contact the informant or the victim during the pendency of the trial.

c] The applicant shall regularly attend the proceedings before the trial Court on each and every date, unless exempted by the Court.

d] The applicant shall not tamper with the prosecution evidence or attempt to influence any prosecution witness.

e] The applicant shall furnish his current residential address and contact number before the trial Court and shall notify the Court of any change therein.

9. Needless to state, in the event of breach of any of the above conditions, the prosecution shall be at liberty to seek cancellation of bail. It is clarified that the observations made herein are only for the purpose of deciding this bail application and the trial Court shall proceed with the trial uninfluenced by the same.

10. Fees of the appointed advocate for respondent No.2 are quantified at Rs.10,000/- (Rupees Ten Thousand only), to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

11. The bail application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.