



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

936 BAIL APPLICATION NO. 1107 OF 2025

Sunil Gorakh Kadam

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Rahul R. Karpe, S.K. Patil

APP for Respondents-State: Mr. N. B. Patil

Advocate for Respondent No.2 : Ms.Khan Sultana (Appointed)

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CORAM : ARUN R. PEDNEKER, J.

Dated : August 12, 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. 0199/2025, dated 29/03/2025, registered with Karjat Police Station, Taluka Karjat, District Ahilyanagar, for the offences punishable under Sections 64, 64(2)(i), 64(2)(m), and 69 of the *Bharatiya Nyaya Sanhita, 2023*, and under Sections 4 and 6 of the *POCSO Act, 2012*.
3. The case of the prosecution, as per the statement of the prosecutrix, is that while she was studying in the 11th standard, she came in contact with the present applicant and was in talking terms with him. It is alleged that on one occasion, the applicant came on a motorcycle, insisted that the victim sit on it, and thereafter took her to "Goodluck Hotel and Lodge" at Karjat, where he had physical relations with her. It is further alleged that on two other occasions, the applicant similarly committed sexual assault. These incidents allegedly took place about one year prior to the lodging of the FIR.

4. At the time of lodging the FIR, the victim was 17 years and 4 months old. It is alleged that the victim's marriage was fixed with another person, but the applicant intervened and produced certain photographs indicating his affair with the victim, leading to the cancellation of the marriage. The photographs, however, do not explicitly depict any sexual act. The FIR was lodged after the marriage was called off, wherein it was alleged that the applicant had forcibly committed sexual assault on her when she was a minor. Accordingly, offences under the *POCSO Act* were invoked. The applicant is arrested on 29/03/2025.

5. The learned Counsel for the applicant submits that *prima facie* there was a relationship between the victim and the applicant, but no sexual relations took place. He submits that the FIR has been lodged only after the victim's marriage proposal was cancelled, and the alleged incidents are prior in point of time without any specific date or time mentioned. He further submits that no evidence was collected from the lodge where the alleged incident occurred. It is contended that the allegations are exaggerated due to personal reasons. The charge-sheet has been filed, investigation is complete, and according to him, the case is fit for bail on merits.

6. *Per contra*, the learned APP as well as the learned appointed Counsel for respondent No. 2 oppose the bail and submit that there are three

instances of physical assault, all occurring when the victim was a minor. They further submit that the applicant was responsible for interfering in the victim's marriage by showing their photographs, which led to the marriage being called off. It is argued that granting bail to the applicant would endanger the safety and well-being of the victim.

7. In response, the learned Counsel for the applicant undertakes that the applicant shall neither contact the victim nor her family members, and shall not enter the jurisdiction of Taluka Karjat for a period of one year.

8. Considering that the investigation is complete, the offence has been registered belatedly, and there exists a possibility that the allegations may be exaggerated, this Court is inclined to grant bail to the applicant, subject to stringent conditions.

9. 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. 0199/2025, dated 29/03/2025, registered at Karjat Police Station, Taluka Karjat, District Ahilyanagar, on furnishing a PR bond of Rs.30,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

B] Upon release on bail, the applicant shall not, in any manner whatsoever, contact the informant, the victim, or their family

members during the pendency of the trial.

C] The applicant shall co-operate with the trial Court and attend each and every hearing unless exempted by the trial Court.

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

E] The applicant shall furnish his contact number and residential address to the trial Court upon release and shall update the same in case of any change.

F] The applicant shall not enter the jurisdiction of Taluka Karjat for a period of one year from today.

10. Needless to state, in the event of breach of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

11. It is clarified that the observations made in this order are only for the purpose of deciding the present bail application. The trial Court shall decide the matter on its own merits, uninfluenced by these observations.

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

13. The application stands disposed of accordingly.

(ARUN R. PEDNEKER, J.)

vj gawade/-.