



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

**BAIL APPLICATION NO. 1132 OF 2025**

Mohan S/o Ankush Jadhav.

**... Applicant**

**Versus**

The State of Maharashtra and another.

**... Respondents**

...  
Mr. Anil M. Gaikwad, Advocate for Applicant.

Mr. S. B. Narwade, APP for Respondent / State.

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

...

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

DATE : 19<sup>th</sup> September, 2025.

**ORDER:**

1 Heard both the sides.

2 This application is filed for grant of regular bail in connection with Crime No.0048 of 2025, registered with Malakoli Police Station, District Nanded, for the offences punishable under Sections 75, 78, 351(2) and 351(3) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, "the BNS"), under Sections 67A AND 67B of the Information and Technology Act, 2020 and under Sections 11 and 12 of the Protection of Children from Sexual Offences Act, 2012

(for short, “the POCSO Act”).

3           The learned counsel for the applicant pointed out the report in which the informant averred that she is 15 years old and studying in 9<sup>th</sup> standard. On 25<sup>th</sup> January, 2024, co-accused Rudra Wadje, who was studying in the 10<sup>th</sup> standard in the same school, informed her that his friend i.e. applicant, who completed his 12<sup>th</sup> standard, liked her, and told her to speak with him on phone. She made a phone call to the applicant. After some time, the applicant told her to send her naked video to him, threatening her that otherwise ready to face serious consequences. Accordingly, the informant made such video and sent the same to the applicant on his mobile handset.

4           The informant further stated that from 15<sup>th</sup> March, 2025 to 29<sup>th</sup> March, 2025, co-accused Omkar Sirsat, met her in the village and threatened her that her naked video clip is with him. Therefore, she has to talk with him, otherwise he would show that obscene video to her father.

5           The informant further averred that co-accused Sandeep Sirsat also told her that the applicant has given him her naked video clip. Co-accused Sandeep was frequently chasing her and harassing her. Therefore, she lodged the report on 29<sup>th</sup> March, 2025.

6           The learned counsel for the applicant submitted that the applicant is falsely implicated in the crime. There is a delay for lodging the report. Custody of the applicant is not necessary. The applicant has roots in the society and he will not flee away from the trial. Trial will take long period. The investigation is over and the charge-sheet has been filed. It is lastly prayed to allow the application.

7           The learned APP for the State and the learned counsel appointed to represent the cause of respondent No.2 strongly opposed the application and submitted that the applicant is booked for serious crime. The applicant has compelled the informant to send her naked video clip and also threatened her. He pointed out the statement of the informant recorded under Section 183 of the BNSS, in which she has stated that the applicant has threatened her. The applicant has circulated the said video in the villagers. If the applicant is released on bail, he will pressurize the prosecution witnesses and tamper the evidence. It is lastly prayed to reject the application.

8           Perused the charge-sheet, particularly, the report and the statement of the informant as well as the seizure *Panchanama* of the obscene material. The applicant is involved in the serious crime. The applicant has threatened the informant, exploited her childhood, and procured an obscene video clip from her under the threat, which was

thereafter, viraled to the villagers mobile handsets. In such circumstances, if the applicant is released on bail, certainly he will pressurize the prosecution witnesses and tamper the evidence. Therefore, considering the serious nature of the crime, it would be proper to reject the bail application, as no case is made out to grant bail to the applicant on the principle that bail is rule and jail is exception. The application deserves to be rejected. The application is rejected.

9           The fees of Ms. Sultana Rahim Khan, learned counsel appointed to represent the cause of respondent No.2 be paid through the High Court Legal Services Sub-Committee, Aurangabad as per Rules and schedule.

**[ SANJAY A. DESHMUKH, J. ]**

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