



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

930 BAIL APPLICATION NO. 1162 OF 2025

**SHASHIKANT TUKARAM PATHARE
VERSUS
THE STATE OF MAHARASHTRA**

...

Mr. Sanket S. Palnitkar h/for Mr. G. M. Sharma, Advocate for Applicant
Mr. A. D. Wange, APP for Respondent/State
Mr. Kartik Kataniya h/for Mr. Sudheer R. Zambare, Advocate for the informant

**WITH
CRIMINAL APPLICATION NO. 2680 OF 2025
IN BA/1162/2025**

**XYZ
VERSUS**

SHASHIKANT TUKARAM PATHARE AND ANOTHER

...

Mr. Kartik Kataniya h/for Mr. Sudheer R. Zambare, Advocate for the Applicant
Mr. A. D. Wange, APP for Respondent/State
Mr. Sanket S. Palnitkar h/for Mr. G. M. Sharma, Advocate for, Advocate for Respondent No.1

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 07.10.2025

PER COURT :-

**CRIMINAL APPLICATION NO. 2680 OF 2025
IN BA/1162/2025**

1. This is an application for assist to prosecution.
2. The learned advocate for the applicant is permitted to assist the prosecution.
3. The application is disposed of.

BAIL APPLICATION NO. 1162 OF 2025

1. Heard.
2. This is an application for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.20 of 2025, registered at Parner Police Station, District Ahmednagar, for the offences punishable under Sections 64(2)(M) and 351(2)(3) of the Bharatiya Nyaya Sanhita 2023.
3. The informant, a 19 year old girl, averred in the report that in February 2024, on account of the marriage of one Namrata, her cousin sister, she stayed at home to take care of the household. During that time, the applicant came to her house and committed rape on her against her will and threatened her not to disclose the incident to anyone otherwise he would kill her. Thereafter, he frequently committed rape on her. On 11.01.2025, the informant disclosed the entire incident to her mother, who in turn informed the victim's father. In anger, the father, along with the victim's brother and mother, went to the applicant's house to confront him, whereupon the applicant abused and assaulted them. Thereafter, the report was lodged.
4. The learned advocate for the applicant submitted that the informant was over 18 years of age at the time of the alleged incident. It is further

submitted that she did not raise any objection or resistance to the alleged sexual intercourse. There is also a delay of approximately one year in lodging the report. The applicant has roots in the society and he will not flee away from the trial. The trial will take a long period. It is lastly prayed to allow the application.

5. The learned APP for the State, assisted by the learned advocate for the informant, strongly opposed the application and submitted that in the report, the informant had clearly stated that the applicant had frequently committed rape on her and threatened her. It is submitted that the alleged offence is a serious and anti-social crime. If the applicant is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

6. Perused the charge-sheet, particularly the report and statements of the victim girl and her parents. At the time of the incident, the victim was over 18 years of age. She alleged in the report that the applicant forcibly committed rape on her against her will. Whether the act was consensual or otherwise is a matter to be determined during the trial on merits, in accordance with Section 90 of the Indian Penal Code, 1860 and Section 63 of the Bharatiya Nyaya Sanhita, 2023. The applicant has roots in the society and he will not flee away from the trial. The trial will take a long period. Considering all these aspects, it would be proper to release the applicant on

bail on the principle that bail is rule and jail is exception. Hence, the following order:

::ORDER::

- I. The application is allowed.
- II. The applicant, in connection with Crime No.20 of 2025, registered at Parner Police Station, District Ahmednagar, for the offences punishable under Sections 64(2)(M) and 351(2)(3) of the Bharatiya Nyaya Sanhita 2023, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-

a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

b) The applicant, except on the dates fixed for hearing of the trial, shall not enter in village Tukai mala, Nighoj, Tahsil Parner, District Ahilyanagar, till the conclusion of the trial.

[SANJAY A. DESHMUKH, J.]

HRJadhav