



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 827 OF 2025

Nikhil Ajay Bagade ...Applicant

Versus

The State of Maharashtra and another ...Respondents

.....
Advocate for the applicant: Mr. A.B. Chormal
A.P.P. for the respondent No.1: Mr. R.S. Wani
Advocate for respondent No.2: Ms. Pooja K. Apache (appointed)

.....
AND

BAIL APPLICATION NO. 1172 OF 2025

Rohit Balu Dhakare ...Applicant

Versus

The State of Maharashtra and another ...Respondents

.....
Advocate for the applicant: Mr. Balraj Pande
A.P.P. for the respondent No.1: Mr. R. S. Wani
Advocate for respondent No.2: Ms. Pooja K. Apache (appointed)

.....
AND

BAIL APPLICATION NO. 1178 OF 2025

Indrajeet Janak Pawar ...Applicant

Versus

The State of Maharashtra and another ...Respondents

.....
Advocate for the applicant: Mr. D.S. Kale
A.P.P. for the respondent No.1: Mr. R.S. Wani
Advocate for respondent No.2: Ms. Pooja K. Apache (appointed)

.....

CORAM : SANJAY A. DESHMUKH, J.
DATE OF RESERVING THE : 09.09.2025
ORDER
DATE OF PRONOUNCING : 30.09.2025
ORDER

PER COURT :-

1. All these applications are filed for grant of regular bail under section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. The bail application Nos. 827 of 2025 and 1172 of 2025 are filed in connection with crime No. 200 of 2024 registered with Vedant Nagar police station, District Chhatrapati Sambhajnagar for the offences punishable under Sections 137(2), 64 and 3(5) of Bharatiya Nyay Sanhita, 2023 and under Section 4(1), 5(n), 6, 8, 9(i) and 10 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter for the sake of brevity referred to as the "POCSO Act") whereas the bail application No. 1178 of 2025 is filed in connection with crime No. 125 of 2025 registered with Bidkin Police Station, District Chhatrapati Sambhajnagar (Rural) for the offences punishable under Sections 137(2), 64 and 64(2)(I)(M) of Bharatiya Nyay Sanhita, 2023 and under Sections 4 and 6 of the POCSO Act,

2. The informant averred in the report that on 02.12.2024 at about 5.00 p.m. when he went to meet his daughter at her hostel, who is 17 years old, at that time he came to know that on 30.11.2024, his

daughter went towards village, which was noted in the register of the hostel. When he enquired with the other girl students who were in the hostel, they could not tell him about his daughter. When the informant tried to make phone calls to his daughter, her mobile phone was switched off. Then he searched for his daughter at the railway station, bus stand, garden, and other places, but she could not be found.

3. After the daughter of the informant was found, her statement came to be recorded in which she has stated that the applicant in bail application No. 1172 of 2025 is her cousin. On 8.11.2024, at about 9.00 a.m. when she was at her hostel, applicant Rohit called her and asked her to come at Pusad to visit him. She said that she didn't want to come to Pusad because her father would get angry and scold her. In response, the applicant, Rohit, said that he would not tell anyone that she had come to visit him. She then came to Pusad, and Rohit went to fetch her. Then Rohit took her to his farmhouse. At that time, they both stayed there for entire night. At the night time, Rohit committed forcible sexual intercourse with her against her will. On 9.11.2024 she came back to Chhatrapati Sambhajinagar. The applicant, Rohit, used to call her frequently and would ask her to visit him. On 23.11.2024 she again went to Pusad to meet Rohit. They both stayed there for two days. Again, applicant Rohit committed

sexual intercourse with her against her wish. On 25.11.2024 she came back to Chhatrapati Sambhajinagar. She was not able to concentrate on her studies, did not attend her classes, and stayed in the hostel. She felt that if the fact that she went to visit Rohit at Pusad, is revealed to her parents, they will stop her education.

4. On 30.11.2024, she left the hostel and reached at Manmad by a train. She was searching for food. When she was standing in front of a petrol pump, a boy working there, came to her and enquired with her. That boy took her to the hotel at Railway station. He told his name as Nikhil Bagade, the applicant in bail application No. 827 of 2025. After having lunch there, he asked the prosecutrix as to where she is going. She said that she will stay there. Upon which, the applicant Nikhil took her to a lodge and they stayed there and he committed forcible sexual intercourse with her.

5. On 01.12.2024, the prosecutrix went to Parbhani. While she was standing at the railway station, a man approached her and asked where she was going. She did not respond to him. She stayed in the waiting room for the entire night. The next morning, the same man met her again, and upon his question, she told him that she was looking for a job. He said that he will give her a job. He took her to Wasmat. His name is Pradeep Shinde. For entire day they visited

many places. At night time, he took her in a room. For two times, he committed sexual intercourse with her. Pradeep Shinde purchased a mobile Sim-card in her name. He took her in the house of one woman. There, he stayed with the prosecutrix and committed sexual intercourse with her. On the next day, he took her mobile handset and then went away. The prosecutrix stayed there for 5/6 days. When again Pradeep Shinde met her, he did not give mobile handset to her, however, he gave Rs.800/- to her.

6. The prosecutrix further stated that thereafter, she came to Parali. She stayed on the Railway station. On the next day, she went to Latur and then went to Barshi by a bus. Thereafter, she went to Shivajinagar, Pune. She made a phone call to Pradeep Shinde. He said to call his friend Onkar @ Samadhan. She made a phone call to him. He called her to Bhosari and took her to his flat on a motorcycle. There, he committed sexual intercourse with her. On the next day, he took her to a room in M.I.D.C. Bhosri, where one woman was residing. The prosecutrix stayed there for 7 to 8 days. In the meanwhile, Onkar took her two times at the flat and committed forcible sexual intercourse with her. Therefore, the informant lodged report bearing No. 200 of 2024 with Vedant Nagar Police Station, Chhatrapati Sambhajnagar, against Rohit Balu Dhakare and Nikhil Ajay Bagade.

7. In respect of Indrajeet Pawar, the applicant in bail application No. 1178 of 2025, the prosecutrix stated that on 01.03.2025, when she was in sleep in her room, at 5.00 a.m. the applicant Indrajeet Pawar came and knocked the door of her house. After opening the door by the prosecutrix, he entered in the room and committed forcible sexual intercourse with her. Because of fear, she could not said anything about it to anybody. She made phone calls to her father. On 2.3.2025 Indrajeet again came there and forcibly committed sexual intercourse with her. When she went to Ellora for Darshan of Grishnashwar, the police caught her and therefore, report was lodged vide Crime No. 125 of 2025 in the Bidkin police Station, Chhatrapati Sambhajinagar, against Indrajeet Janak Pawar.

8. Learned advocates for the applicants, in respective applications, submitted that the applicants are falsely implicated in the crime. They have roots in society. Learned advocates submitted that the victim was of understanding age, knowing the consequences of her acts. Though she has narrated the story, it is highly improbable that she had travelled at various places and everyone, who came into her contact, had sexually assaulted her. There is no indication that she made any attempt to resist. They will not flee away from the trial. The trial will take a long period. The applicants

have no criminal antecedents. It is lastly prayed to allow the applications.

9. Learned A.P.P. for respondent No.1 State and learned advocate for respondent No.2 prosecutrix, in all applications, submitted that all the applicants are booked for serious crime. The applicants have committed heinous crimes against a child by sexually exploiting her. Considering the fact that the applicants are involved in a serious crime of commission of rape, if they are released on bail, certainly they will pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the applications.

10. Perused the charge sheets in both the crimes. It is to be noted that the report was not lodged immediately after the alleged aggravated sexual assault committed against the will of the prosecutrix. The statements of the victim have been recorded. From her conduct, it appears that although she is technically a child as per the provisions of the POCSO Act, she is of an age of understanding. Further, she voluntarily went to meet applicant Rohit at Pusad, who is her cousin. As regards the other applicants are concerned, during the course of commission of the alleged aggravated sexual assault, the prosecutrix did not resist, and the report was not lodged

immediately after the alleged incidents. Considering all these aspects, as well as the law laid down by the Hon'ble Supreme Court in the cases of ***Sunil Mahadev Patil v. State of Maharashtra, 2015 SCC OnLine Bom 6204***, and ***Mohd. Ajaan Khan v. State of Maharashtra, 2025 SCC OnLine Bom 308***, and taking into account the prosecutrix's age of understanding and her conduct after the incident and the cardinal principle of bail i.e. bail is rule and jail is exception, the applications deserve to be allowed, on the following conditions. Hence the following order:-

O R D E R

- I. Applications are allowed.
- II. The applicants in bail application No. 827 of 2025 and Bail application No. 1172 of 2025 in connection with crime No. 200 of 2024 registered with Vedant Nagar police station, District Chhatrapati Sambhajnagar and the applicant in bail application No.1178 of 2025 in connection with crime No. 125 of 2025 registered with Bidkin Police Station, District Chhatrapati Sambhajnagar (Rural), be released on bail on furnishing personal bond of Rs.50,000/- each with one surety each of the like amount on following conditions:-
 - a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

11. Since Ms. Pooja Apache, learned advocate is appointed to prosecute the cause of respondent No.2, in all applications, her fees be paid as per the schedule of fees maintained by the High Court Legal Services, Sub-Committee, Aurangabad.

(SANJAY A. DESHMUKH, J.)

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