



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1391 OF 2025

DNYANDEO ALIAS DANYANESHWAR SAMPAT ALIAS SOPAN
BODKHE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. R. D. Bhalerao

APP for Respondents-State : Ms. R. R. Tandale

Advocate for Respondent No. 2 : Ms. Ranjita Mahajan (Appointed)

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CORAM : SACHIN S. DESHMUKH, J.

Date : 23rd December, 2025

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 22.07.2024 bearing Crime No. 425 of 2024 registered with Sangamner Taluka Police Station for the offences punishable under Sections 376(2)(n) and 376(3) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The prosecution's case is that the victim used to go to the field for agricultural work since November 2023. At that time, the victim came into contact with the applicant / accused. The applicant's wife was also present and working in the field. Quarrels used to happen between the applicant and his wife. The applicant

forced the victim to come to his home, promising he would give her a gift. The victim used to resist the applicant's advances.

3. The further case of the prosecution is that in November 2023, when the victim went to the field for agricultural work, at about 11:00 pm, the applicant asked her to come to his home. Upon her resistance, the applicant forcibly took the victim to his home and threatened to kill her, in the event of resistance. The applicant's wife was not present at that time. The applicant forcibly sexually assaulted the victim. Thereafter, this incident occurred three to four more times. The victim's menstrual cycle was missed. In the summer of 2024, the victim narrated these facts to her mother.

4. Subsequently, on 21.07.2024, the victim was suffering from vomiting. The next day i.e. on 22.07.2024, after experiencing stomach pain, the victim was taken to the hospital at 5:00 am, where she gave birth to a child. Accordingly, the First Information Report (FIR) came to be lodged.

5. In the aforesaid backdrop, the learned counsel for applicant submits that there is delay in lodging the FIR. The victim

was consenting party to sexual relation and as such, there is no prima facie case against the applicant / accused. Parents of the victim have submitted their 'No Objection' for enlarging the applicant on bail. It is further submitted that the applicant is an innocent person and falsely implicated in the case. The investigation of the case has been completed and the charge-sheet is also filed. As such, further incarceration of the applicant is not warranted. Hence, prayed to allow the application.

6. The learned APP for State and the learned counsel for respondent No. 2 have vehemently opposed the application submitting that the offence is serious in nature. The applicant had subjected the victim, who is minor, to the forcible sexual assault. There is substantial evidence on record indicating complicity of the present applicant in the offence. If applicant is enlarged on bail, there is every possibility of tampering the prosecution evidence. As such, prayed to reject the application.

7. Upon considering the submission of both the sides and perusing the material on record, including the charge-sheet, it is evident that the alleged incident is reported on 22.07.2024. The victim is 14 years and 11 months old. The allegations against the

present applicant about committing the forcible sexual assault under threat. Perusal of record prima facie indicates that the victim is minor below the age of 15 years and was not of consenting age for sexual relation. On the other hand, the applicant is of a considerable age i.e. 35 years. The victim was lured by the applicant / accused by giving gifts and then taking home and committed penetrative sexual assault repeatedly.

8. Thus, it appears prima facie that applicant is guilty for the offence of rape as the victim is minor. Particularly when, the victim alleged that the accused had taken her to his house in absence of his wife and forcibly raped her. Therefore, it could be prima facie said that there is sufficient evidence to indicate complicity of the applicant in the offence.

9. This conduct of the victim's parents granting 'No Objection' for enlargement of applicant on bail indicates about certainty of tampering with prosecution evidence upon release of the accused. As such, it would not be proper to exercise discretion to enlarge the applicant on bail.

10. The Hon'ble Apex Court in the case of **Mahipal Vs.**

Rajesh Kumar and Ors. (AIR 2020 SC 670) has laid down the principle that bail can be refused when the material produced by prosecution establishes a clear prima facie case. The Court should not conduct a mini-trial; it should only examine whether the available evidence links the accused to the alleged offense.

11. Equally, the Hon'ble Apex Court in case of **State of UP through CBI Vs. Amaramani Tripathi [(2005)8 SCC 21]**, has held that the Court must evaluate the prima facie evidence showing the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused.

12. Similarly, the Hon'ble Apex Court in case of **Pralhad Singh Bhati Vs. NCT, Delhi [(2001)4 SCC 280]**, held that on satisfaction of prima facie evidence establishing the guilt of the accused, the bail can be denied.

13. Similarly, the Hon'ble Apex Court in case of **Ram Govind Upadhyay Vs. Sudarshan Singh [(2002)3 SCC 598]**, has held that a judicial discretion in granting bail must not be exercised whimsically, especially in heinous offences.

14. To secure bail, the applicant must establish that the evidence collected and intended to be presented by the prosecution fails to establish a prima facie case of the applicant's involvement in or commission of the alleged offence. Since this necessary aspect has not been satisfied by the applicant, the applicant is presently disentitled to claim the bail.

15. In view of the aforesaid observations and having regard to the gravity of the offence, the applicant / accused is not entitled for release on bail, as this is not a fit case to exercise discretion to grant bail. As such, I do not find merit in the present application and accordingly, the bail application is **rejected**.

16. The High Court Legal Services Sub-Committee, Aurangabad, to pay the fees to the learned counsel appointed on behalf of respondent No. 2, as per rules,

(SACHIN S. DESHMUKH, J.)

Omkar Joshi