



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

BAIL APPLICATION NO. 1878 OF 2025

ANANT ALIAS CHAGAN RUSTUM NAVGHARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

AND

BAIL APPLICATION NO. 1392 OF 2025

PARMESHWAR S/O. SOPAN CHAVARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr. N. E. Deshmukh
APP for Respondent No.1 : Ms. D. S. Jape
Advocate for Respondent No.2 : Mr. Rajesh H. Mewara

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 15-12-2025

PER COURT:-

1. The applicants seek regular bail in connection with Crime No.83 of 2025 registered with Police Station Palam, Taluka Palam, District Parbhani, dated 07.03.2025, for the offences punishable under Sections 64, 64(2)(m), 65 and 70 of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 8, 9, 10 and 12 of the Protection of Children From Sexual Offences Act, 2012. In the said crime, the applicants are arrested on 08.03.2025 and the chargesheet has been filed on 06.05.2025.

2. The prosecution's case is that the prosecutrix, her father, and accused No.1/Pawan were employed for farming activity at Baliram Chaure's farm for two years. The prosecutrix used to visit

the farm to look after her younger brother. Pawan expressed his affection, proposing marriage and attempting to initiate a close relationship.

It is further alleged that from 10.08.2024 to 15.09.2024, the accused No. 1 to 4 on various occasions committed forceful intercourse with the prosecutrix at a farm belonging to accused No.5.

Subsequently, on 01.02.2025, the minor victim's parents arranged her marriage to accused No. 8, Devidas, which occurred on 21.02.2025. Devidas had sexual relations with her until 01.03.2025, after which she experienced severe stomach pain. It was revealed in sonography that the victim was approximately four months pregnant. Devidas subsequently sent her back to her parental home. Hence, the report was filed.

3. The learned counsel for the applicants submits that the applicants have been falsely implicated in the alleged crime. The informant's statement, recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, before the Magistrate, indicates that the applicants were not involved.

It is further submitted that there is an inordinate delay more than months in lodging the First Information Report (FIR). The applicants have been incarcerated for four months. Since the investigation is complete and the chargesheet has been filed, their continued incarceration is unjustified. Therefore, the learned

counsel prayed for release of the applicants on bail.

4. The learned A.P.P. for the State has vehemently opposed the applications and submitted that the alleged offense is serious in nature and that the victim was a minor on the date of the physical assaults committed by the accused persons. It is further submitted that the victim provided specific dates and events when the accused were involved in the physical assault. If the accused are released on bail, there is a possibility they might tamper with prosecution witnesses. The involvement of the accused in crime is evident from the chargesheet. Therefore, prayed for rejection of the applications.

5. Having heard both sides and perused the papers, including the chargesheet, *prima facie*, appears that the first information report is lodged after unexplained delay. The allegations of the sexual assault are even levelled against the husband, including the present applicants. As such, appears to be case of over implication.

6. The investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that trial can be commenced and concluded within a reasonable period. As such, further detention of the applicants as an under-trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the

applicants.

7. Considering the peculiar facts and circumstances afore-stated, the apprehension of the prosecution about tampering with the prosecution witnesses can be addressed by imposing suitable conditions.

8. Hence, the following order:-

ORDER

- (i) Bail applications are allowed.
- (ii) Applicant, Anant Alias Chagan Rustum Navghare, in BA/1878/2025 and applicant, Parmeshwar s/o. Sopan Chavare, in BA/1392/2025 be released on bail, on furnishing PB and SB of Rs.50,000/- each, with one solvent surety of the like amount, in Crime No.83 of 2025 registered with Police Station Palam, Taluka Palam, District Parbhani, dated 07.03.2025, for the offences punishable under Sections 64, 64(2)(m), 65 and 70 of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 8, 9, 10 and 12 of the Protection of Children From Sexual Offences Act, 2012, on the conditions that,
 - (a) The applicants shall not tamper with the prosecution witnesses.
 - (b) The applicants shall attend the trial on each and every date unless exempted by the trial Court.
 - (c) The applicants shall submit their Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.
- (iii) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]