



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1428 OF 2025

PRATIK @ DADYA RAJENDRA KOLI
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. A. K. Bhosale
APP for Respondent-State : Mr. R. D. Raut

CORAM : SACHIN S. DESHMUKH, J.

Date : 10th December, 2025

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 06.01.2024 bearing Crime No. 2 of 2024 registered with Adawad Police Station, Jalgaon for the offences punishable under Sections 376(2)(n), 376(1), 376(d), 506 and 510 of Indian Penal Code.

2. The FIR came to be lodged with an assertion that in the intervening night of 02.01.2024 and 03.04.2024 at about 2.00 am in the mid-night, accused Gafur entered in the house and forcibly committed sexual assault on the victim and left the house at about 5 am. The further assertion that the accused extended threat in the event victim does not accompany on next day. Accordingly, the

victim joined the company of the accused and proceeded to another village. Accused took victim to the Government Hospital which was under construction. The accused told the informant to wait there and assured that he will reach by the evening and the victim was waiting. However, after passage of some time, three unknown persons reached there. One of them paring himself to be conversant with the uncle of the victim. The victim told the said persons that she was hungry. Thereafter, the victim was made to climb on the wall of the premises and entered into the room which was under construction.

3. It is further alleged that on 04.01.2024 at about 12.30 am, the accused persons under the influence of liquor, threatened the informant and committed forcible sexual assault and left the premises in the mid-night. Accordingly, the FIR came to be lodged on 06.01.2024.

4. The learned counsel for applicant submits that the tenor of the FIR indicates that the victim has established the relationship with the applicant and lodged afterthought FIR with delay of two days. The complaint is lodged with distorted version of sexual assault. It is further submitted that the voluntary

participation of the victim is evident and there was no protest by the victim at any point of time in relation to alleged sexual assault. The aspect of allegedly proceeding with the applicant to the adjoining village sufficiently establishes the said aspect. The investigation is completed and charge-sheet is filed, further incarceration of the applicant is not warranted. Hence, prayed to allow the application.

5. The learned APP has opposed the application submitting that the involvement of the applicant is apparent. There is sufficient material on record to establish the complicity of the applicant. The alleged offence is serious in nature. If the applicant is enlarged on bail, there is every likelihood of tampering the prosecution evidence. As such, prayed to reject the application.

6. Upon considering the submissions of both the side and perusal of material on record, prima facie indicates that the alleged act of assault at first instance was committed within the residential house of the victim and there was no protest. Having suffered the sexual assault in the previous night, the victim has further accompanied with the accused and proceeded to other village. Prima facie, it further indicates that the victim has further accompanied with other unknown accused persons at lonely place.

7. Admittedly, the name of present applicant is not named in the FIR. During the course of investigation, the involvement of the applicant was found and hence, in the charge-sheet, name of applicant is mentioned. In connection with the alleged offence, the arrest of the applicant has been effected on 06.01.2024. Since then, applicant is in judicial custody.

8. Prima facie, the statement of the victim indicates that victim had left the house at her own volition and accompanied the accused. Thereafter, the victim continued in the company of the accused even on the subsequent day. The said statement does not contain any element of force or compulsion.

9. Therefore, it is evident that the victim has consciously participated in the act. Thus, prima facie, the factual matrix of the case does not reflect any active inducement or coercive conduct on the part of applicant.

10. Apart from the aforesaid aspect, the investigation of the case has been completed and eventually the charge-sheet is also presented. Thus, no fruitful purpose would be served by

keeping the accused behind the bar.

11. Considering the peculiar facts and circumstances of the case, the right to liberty of the applicant needs to be upheld. The apprehension of the learned APP about tampering the prosecution evidence, can be taken care of by imposing stringent conditions.

12. In that view of the matter, the applicant deserves to be released on bail. Resultantly, following order is passed :-

ORDER

(I) Application is **allowed**.

(II) Applicant – Pratik @ Dadya Rajendra Koli be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 2 of 2024 registered with Adawad Police Station, Jalgaon for the offences punishable under Sections 376(2)(n), 376(1), 376(d), 506 and 510 of Indian Penal Code, on the following conditions :-

- (a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
- (b) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

- (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
- (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail to the Court dealing with trial.
- (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.)

Omkar Joshi