



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

925 ANTICIPATORY BAIL APPLICATION NO. 1316 OF 2025

**GANESH SUDAM JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. P. S. Bachate h/f Mr. Ramankumar Gopal Dodiya, Advocate for the Applicant

Mr. K. N. Lokhande, APP for the Respondent/State

Ms. Nikita Gore, Advocate for the Informant (appointed)

CORAM : MEHROZ K. PATHAN, J

DATE : 04.12.2025

P. C. :-

1. The applicant approached this Court seeking anticipatory bail in crime no. 0448/2025 for the offences under Sections 64(2) (i), 65(1), 96 r/w 3-5 of the Bharatiya Nyaya Sanhita and under Section 4, 8, 12 & 17 of the Protection of Children from Sexual Offences (POCSO) Act registered at Gangakhed Police Station.

2. It is the case of the prosecution that the complainant was going to the school after lunch and she was called into a bylane by the main accused- Ishwar on the pretext that the her parents had called her to the house of Bachate. The present

applicant Ganesh Jadhav and Ganesh Bachate who were accompanied main accused Ishwar Bange when she was asked by Iswhar to come to the house of Ganesh Bachate at her parents were following her. After she being the house of Bachate, she could not find her parents and suddenly, the door was closed by Ganesh Bachate and Ganesh Jadhav i.e. present applicant.

3. The main accused Ishwar had then committed a forcible sexual intercourse with the victim-complainant and suddenly the parents of the victim girl had entered into the house and rescued the victim girl. The scuffle took place between the parents and the main accused Ishwar. The parents, Ishwar and another co-accused Ganesh Jadhav were taken to the police station and the first information report was thereafter lodged.

4. Learned counsel for the applicant submits that the applicant is a student of the engineering college and was merely present after the parents of the victim girl had entered the house of Ganesh Bachate and rescued the victim girl. It is his further submission that the main accused Ishwar and another co-accused Ganesh Bachate in whose house the said act of rape was

committed upon the minor victim girl, had already been arrested and the charge-sheet is filed by the prosecution. Thus, there is no need for any custodial interrogation of the applicant, as it is, the applicant is not having criminal antecedents and ready to abide by any condition that may be imposed by this Court.

5. Learned APP as also the appointed counsel for victim vehemently opposed the present application on the ground that the applicant is involved in the serious offence. He submits that looking to the serious allegation of the applicant assisting the main accused in commission of the crime, the applicant is also liable to be prosecuted under the stringent provisions of the POCSO Act. Perusal of the medical examination of the victim girl also corroborate the allegations of rape committed by the main accused Ishwar. Moreover, the statement of the victim girl is also recorded under Section 183 of BNS, wherein, she has reiterated the allegations made in the first information report that the applicant has assisted the main accused Ishwar in commission of the crime. He, therefore, prays that the application for anticipatory bail of the applicant may be rejected.

6. I have gone through the allegations in the First Information Report and the charge-sheet placed on record by the learned counsel for the applicant, and, with the assistance of the learned APP, and the learned appointed counsel, I have also examined the charge-sheet. Perusal of the charge-sheet would show that the allegations of committing rape upon a minor victim girl is against accused Ishwar Hange who is already arrested and he is behind the bars. The other co-accused Ganesh Jadhav and Ganesh Bachate, are only attributed the role of the latching the door while the main accused Ishwar was committing rape upon the minor victim girl. The accused Ganesh Bachate at whose house the offence is committed is also reported to be arrested on the registration of the FIR. The applicant has relied upon the chat messages record, wherein a message was sent to the brother of the victim girl about the girl being their in the company of the accused Ishwar Bhange at the house of Ganesh Bachate and it appears that the father and brother had therefore appeared on the spot where the girl was found along with main accused Ishwar at the house of Ganesh Bachate. Thus, prosecution's case appears to be doubtful against the applicant and false implication of applicant

cannot be ruled out and therefore, I am of the opinion that the applicant can be protected in the present case in exercise of power under Section 483 of Cr.P.C. The observations made herein are *prima facie* in nature and shall not influence the Trial Court. Hence, the following order.

ORDER

(i) In the event of arrest of the applicant – Ganesh Sudam Jadhav, he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties in the like amount, in connection with Crime No.0448/2025 registered with Gangakhed Police Station, District Parbhani, for the offences punishable under Sections 64(2)(i), 65(1), 96 r/w 3-5 of the Bharatiya Nyaya Sanhita and under Sections 4, 8, 12 & 17 of the Protection of Children from Sexual Offences (POCSO) on the following conditions:

(a) The Applicant is directed to attend the concerned police station and report to the Investigating Officer in a week on every Tuesday and Wednesday till filing of the supplementary charge-sheet, if any, as against the present applicant and co-operate with the Investigating Officer.

(b) The Applicant shall not tamper with the evidence and shall appear before the Investigating Officer as and when required, apart from the days already mentioned above.

(c) The applicants shall not threaten the minor girl and a single complaint of violation of any such condition or threat to the family members of the minor girl, would

entitle the prosecution to seek cancellation of bail.

(d) The applicant shall not enter the village Station Vadgaon, Tq. Sonpeth till the framing of the charge-sheet.

7. Fees of the appointed counsel shall be quantified as per rules and it is to be paid by the High Court Legal Services Authority, Sub Committee, Aurangabad

8. Applications stand disposed of accordingly.

(MEHROZ K. PATHAN, J)

ssp