



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

BAIL APPLICATION NO. 1482 OF 2025

SUNIL HANMANTRAO BODAKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Anil M. Gaikwad
APP for Respondent No.1 : Mr. S. M. Ganachari
Advocate for Respondent No.2 : Mr. Gautam J. Karne,
Mr. Vilas K. Mhaske
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 10-12-2025

PER COURT:-

1. The applicant is seeking regular bail in Crime No.77 of 2025 registered with Mukhed Police Station, District Nanded, dated 16.04.2025, for the offences punishable under Sections 64(1)(2)(I) (M), 69, 89, 238, 49 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012. In connection with said crime, the applicant is arrested on 18.04.2025 and the chargesheet is filed on 09.06.2025.

2. The case of the prosecution is that the victim had acquaintance with the applicant. Eventually, the applicant proposed the victim for marriage. As the victim was 17 years, she asked the applicant to wait till attaining the age of majority. In the

interregnum, the applicant and the victim sexual relationship and on 31.08.2024, the victim found herself to be pregnant. Thereafter, the victim was taken to Hospital by the applicant and pregnancy was terminated. The victim insisted the applicant for marriage, however, the applicant refused to marry her. Hence, the report is lodged.

3. Learned counsel for the applicant submits that the alleged assault committed in the month of June 2024, whereas the complaint is lodged on 16.04.2025. As such, there is inordinate delay in lodging the first information report. The applicant is falsely implicated in the alleged offence only with a view to pressurize the applicant for marriage. The applicant is educated and has no criminal antecedents. Hence, prayed to admit the applicant for bail.

4. Learned A.P.P. and the learned counsel for the victim vehemently opposed the application and submitted that the offence is of serious nature. The applicant has committed physical assault on the under the pretext of performing marriage. Hence, the applicant may not be enlarged on bail.

5. Upon considering the submissions and perusing the material on record including the chargesheet, *prima facie*, indicates that the victim who had attained the age of understanding was in relationship with the applicant. During the said relationship, on

several occasions, physical relationships were established. The relationship started as alleged in the complaint from the month of June 2024, whereas, it is, thereafter, on 16.04.2025, the complaint is lodged with an assertion that under the promise of marriage, the applicant has established relationship, which, *prima facie*, appears to be with an unexplained delay.

6. Nevertheless, the investigation is complete, the chargesheet is filed. Nothing is to be recovered. As such, further incarceration of the applicant is not warranted.

7. Hence, the following order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant Sunil Hanmantrao Bodake be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in Crime No.77 of 2025 registered with Mukhed Police Station, District Nanded, dated 16.04.2025, for the offences punishable under Sections 64(1)(2)(I)(M), 69, 89, 238, 49 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012, on the conditions that,
 - (a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

- (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.
 - (c) The applicant shall not enter the jurisdiction of Mukhed, District Nanded, till conclusion of the trial.
 - (d) 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.
 - (e) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move to the concerned trial Court seeking cancellation of bail.
- (iii) Needless to state 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]
JUDGE

rrd