



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1493 OF 2025

NITIN NARAYAN SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. V. P. Sawant
APP for Respondents-State : Mr. S. M. Ganachari
Advocate for Respondent No. 2 : Ms. Ashwini Patil (Appointed)

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 03.04.2025 bearing Crime No. 145 of 2025 registered with Ashti Police Station for the offences punishable under Sections 64(1), 64(2) and 65(1) of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that initially, Accused No. 1, namely Dattatraya @ Pappu Navnath Jadhav, was in a relationship with the victim for the last two years and had established physical relations with her. After realizing that the

victim had missed her period, it is alleged that Accused No. 1 insisted that the victim not disclose the relationship, even after conceiving. Accused No. 1 assured the victim that he would marry her. Substantially, the victim has further exaggerated her statement, implicating the allegations against Accused Nos. 2 and 3 with an assertion that under threat or intimidation, these accused also sexually assaulted her.

3. The learned counsel for the applicant submits that the victim was conscious of the consequences of being in a relationship with the accused, which resulted in her conceiving and eventually giving birth to a child. The further statement implicating Accused Nos. 2 and 3 constitutes a case of over-implication. Nothing remains to be recovered at the applicant's instance. Hence, it is prayed that the application be allowed.

4. The learned APP has vehemently opposed the application, submitting that these accused have sexually exploited the victim. On account of the sexual exploitation of the victim, the girl conceived and subsequently delivered a child. The DNA report regarding paternity is awaited. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution

evidence. As such, it is prayed that the application be rejected.

5. Considering the submissions of both sides and perusing the material on record, including the charge sheet, it is a matter of record that the victim was in a relationship with the accused No. 1 for a substantial period of two years. It prima facie appears that the complaint was registered only after realizing the victim was pregnant, and thereafter, the victim also implicated the present applicant with an assertion of sexual assault at a later stage only. It prima facie appears to be a case of over-implication.

6. As such, the victim consciously participated in the act, which prima facie indicates that she was aware of the consequences of her actions. Thus, prima facie, the factual matrix those are emerging does not reflect any active inducement or coercive conduct on the part of the accused.

7. Apart from the aforesaid aspect, the investigation of the case has been completed and eventually the charge-sheet is also filed. Nothing remains to be recovered at the instance of applicant. Thus, no fruitful purpose would be served by keeping the accused behind the bar.

8. Keeping in view the peculiar facts and circumstances of the case, the applicant's right to liberty needs to be upheld by imposing stringent conditions. The learned APP's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing certain stringent conditions. In that view of the matter, the applicant deserves to be released on bail.

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

10. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Nitin Narayan Shinde 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. 145 of 2025 registered with Ashti Police Station for the offences punishable under Sections 64(1), 64(2) and 65(1) of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 12 of Protection of Children from Sexual Offences Act, 2012, 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 enter into the village Handewadi, Tq. Patoda, Dist. Beed, till conclusion of trial.
 - (c) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (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 this Court seeking cancellation of bail.
- (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