



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

938 BAIL APPLICATION NO. 1553 OF 2025

SUSHIL SANTARAM RATHOD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Rathod Sandip P., Advocate for Applicant

Mr. R. S. Wani, APP for Respondent/State

Mr. A. T. Gadge, Advocate for Respondent No.2 (Appointed)

CORAM : SANJAY A. DESHMUKH, J.

DATE : 03.10.2025

PER COURT :-

1. Heard.

2. This is an application for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.411 of 2024, registered at Renapur Police Station, District Latur, for the offences punishable under Sections 64, 65(1), 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 8 and 12 of the POCSO Act, 2012.

3. Learned advocate for the applicant pointed out the report in which it is averred that the victim girl is of 13 years old child. The applicant is the uncle of the victim. It is alleged in the report that the applicant committed aggravated sexual assault against her will on two occasions, bot at the house and at the shop. The victim was taken to the hospital and examined by a doctor. The doctor opined that she had conceived and therefore the report was lodged.

4. The learned advocate for the applicant pointed out the DNA report which shows that the samples do not match with those of the applicant. It is submitted that the applicant is the uncle of the victim child and has been falsely implicated in the crime. The applicant has roots in the society and he will not flee away from the trial. The investigation is over and further custody of the applicant is not necessary. The trial will take a long period. It is lastly prayed to allow the application.

5. The learned APP for the State and learned advocate for respondent No.2 strongly opposed the application and submitted that the applicant is involved in the commission of aggravated sexual assault against a 13 years old minor girl. If the applicant is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

6. Perused the charge sheet, particularly the statements of the witnesses, the report of the medical examination and the CA report. It appears that the medical termination of pregnancy of the victim child was conducted. After the arrest of the applicant, the samples of the applicant and the victim girl were taken and sent for analysis. The CA report indicates that the DNA samples do not match with those of the applicant and, therefore, the applicant cannot be considered as the biological father. The applicant has roots in the society. The investigation is over and further custody of the

applicant is not necessary. The trial will take a long period. Considering this, without adverting to the merits of the case, the application deserves to be allowed on the principle that bail is rule and jail is exception. Hence, the following order:

::ORDER::

- I. The application is allowed.
- II. The applicant, in connection with Crime No.411 of 2024, registered at Renapur Police Station, District Latur, for the offences punishable under Sections 64, 65(1), 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 8 and 12 of the POCSO Act, 2012, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicant, except on the dates fixed for hearing of the trial, shall not enter in village Bitargaon Tanda, Tahsil Renapur, District Latur, till the conclusion of the trial.
7. The fees of the appointed advocate, Mr. A. T. Gadge, shall be paid through the High Court Legal Services Sub-Committee, Aurangabad, as per the rules and schedule.

[SANJAY A. DESHMUKH, J.]