



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

BAIL APPLICATION NO. 1560 OF 2025

Dattu Dilip More
VERSUS

The State Of Maharashtra And Another

...

Mr. Niranjan Vasant Dhake, Advocate for Applicant

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

Ms. Khushi Varma, Advocate for Respondent No.2

CORAM : SANJAY A. DESHMUKH, J.

DATE : 15th October, 2025

P.C.:

1. Heard learned advocates for the respective parties.
2. This is an application for granting regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.96 of 2025 registered at Mehunbare Police Station, District Jalgaon, for the offences punishable Under Sections 64(1), 64(2)(m), 64(2)(f), 64(2)(i), 65(1) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 5(L), 6, 8 and 12 of the POCSO Act, 2012.
3. The learned advocate for the applicant pointed out the report wherein the victim girl, aged 14 years, stated that on 26th September 2024, she had visited the applicant's house along with her parents and the applicant told her to stay there while her parents went to their village, Londhe. The applicant is the uncle of the victim girl. It is further alleged

that around midnight, while the victim was sleeping, the applicant woke her up and asked her to allow him to have sexual intercourse with her. When she refused, the applicant went back to sleep. On the next day at about 2:00 p.m., when the victim's aunt, who is the wife of the applicant, had gone to wash clothes, the applicant came to the victim and tried to forcibly commit sexual intercourse with her. When the victim tried to shout, the applicant pressed her mouth and committed sexual intercourse against her will and threatened to kill her if she disclosed the incident to anyone. On the next day, the applicant again forcibly committed sexual intercourse with her, in absence of his wife. Thereafter, grandparents of the victim came to the house of the applicant on the next day and they took her to her parent's house, at that time also, she was allegedly threatened by the applicant, hence, due to the fear of the applicant she had not disclosed the alleged incident to anyone. Thereafter, the applicant took her twice to the maize field and committed aggravated sexual intercourse with her. The victim did not menstruate, but out of fear of the applicant, she did not tell her parents. When her mother asked, she told her that she had already been menstruated. Thereafter, the victim suffered from stomach pain and was taken to a hospital, where the doctor examined her and gave her medicines. However, after three days, her stomachache did not improve, so her father took her to the same doctor again, who advised a sonography test. she was then taken to Y. P. Patil Hospital Chalisgaon, where the doctor after

conducting sonography disclosed that she was pregnant. At that time, she narrated to her father about the alleged incident of forceful sexual intercourse by the applicant. Thereafter, the report was lodged against the applicant.

4. The learned advocate for the applicant submitted that the applicant has been falsely implicated in the crime. It is submitted that the informant was having an affair with her boyfriend, which the applicant discovered and informed her parents about the same. Because of that, she held grudge against the applicant. She was sent to the applicant's house for a few days to stay away from her boyfriend, but she continued her affair. When her pregnancy came to light, she allegedly implicated the applicant. The applicant has roots in the society. The trial will take a long period. Since the charge-sheet has been filed, custody of the applicant is not necessary. It is further submitted that the allegations are false as there was a delay of more than seven months in lodging the report. It is lastly prayed to grant bail to the applicant.

5. The learned advocate for the applicant relied upon the case of ***Mehboob Nuruddin Shaikh Vs the State of Maharashtra and Another***, in Bail Application No.2941 of 2023 dated 27.10.2023, particularly paragraph No.6 which reads as under:

“6. Suffice to observe that the complaint is lodged after 4 years of

the alleged incident and that too after the complainant divorced the applicant. The complaint is made just prior to the remarriage of the applicant. These are, prima facie, observations for the purpose of this application. The investigation is complete and the charge sheet has been filed. The applicant is in custody since 13.04.2022 for a period of more than 18 months with the possibility of trial concluding any time soon appears remote. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. The applicant shall face the consequences post-trial if found guilty.”

6. The learned APP for the State and learned advocate for Respondent No.2 strongly opposed the application and submitted that the applicant is booked for a serious crime. He took advantage of the informant's childhood and she became pregnant as a result. The applicant is married and uncle of the victim girl. If he is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. Considering all these reasons, it is lastly prayed to reject the application.

7. Perused the charge sheet, particularly the statements of witnesses and relevant documents. The applicant is booked for a serious crime of aggravated sexual assault on his niece and when the victim girl became pregnant then the matter was revealed. The applicant is married, who is uncle of the victim girl. If the applicant is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. Considering the serious nature of the crime, the application

deserves to be rejected. As far as the law laid down in ***Mehboob Vs State of Maharashtra*** (supra) is concerned, the facts of that case are different. The applicant committed aggravated sexual assault on his niece against her will, who was 14 years of age at the time of alleged incident. No case is made out to grant bail to the applicant on the principle that bail is rule and jail is the exception. The Bail Application is rejected.

[SANJAY A. DESHMUKH, J.]