



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

**BAIL APPLICATION NO. 1578 OF 2025**

NILESH BABUSHA PAWAR  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Tejas Sanjay Kotkar & Mr. S. P. Jadhav.

APP for Respondent/State : Mr. K. K. Naik.

Advocate for Respondent No.2 : Mr. D. R. Markad.

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 14<sup>th</sup> October, 2025.

**P.C.:**

1 Heard.

2 This is an application, under Section 483 of the Bharatiya  
Nagarik Suraksha Sanhita, 2023 (for short "the BNSS"), for grant of  
regular bail in connection with Crime No.335 of 2024, registered with  
Wadod Bazar Police Station, District Aurangabad (Rural), for the  
offences punishable under Sections 64(1), 115(2) and 75 of the  
Bharatiya Nyaya Sanhita, 2023 (for short, "the BNS") and under  
Sections 4, 8 and 12 of the Protection of Children from Sexual  
Offences Act, 2012 (for short, "the POCSO Act").

3 The learned counsel for the applicant pointed out the  
report in which it is averred by the informant that she is 16 years and 3

months old, residing with her parents. On 29<sup>th</sup> November, 2024, her parents, sister and other relatives went to Deolgaon Raja, District Buldhana, for attending a religious function. At around 01:00 pm, when she was alone in the house, her cousin sister's son i.e. the applicant came there and asked her to sleep with him. She refused for it and said him to leave the house. At that time, the applicant forcibly held her hands, slapped her and forcibly removed her pant and committed aggravated sexual assault on her against her will. When she made hue and cry, the applicant ran away. At about 04:00 pm, when her parents came, she told that incident to her parents. Therefore, the report was lodged.

4           The learned counsel for the applicant submitted that the applicant is falsely implicated in the crime. He pointed out the affidavit of the informant, stating that there was family dispute between the applicant and her uncle and therefore, in order to take revenge, the report was lodged. There is no medical evidence against the applicant. The applicant has no criminal antecedents. It is lastly prayed to allow the application.

5           The learned APP for the State strongly opposed the application and submitted that the applicant is involved in a serious crime. The applicant has pressurized the prosecution witnesses and

therefore, the informant has filed the affidavit in support of the applicant to grant him bail. The informant is only 16 years old. If the applicant is released on bail, he will pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

6            Perused the charge-sheet, particularly, the report and the statements of witnesses.

7            The report is promptly lodged. Though the informant has filed an affidavit in support of the applicant to grant him bail, there is *prima-facie* material against the applicant to infer that he and his family members are pressurizing the informant. If the applicant is released on bail on the basis of such an affidavit, it would be a wrong message to the society that any such anti-social crime can be easily committed. The victim is a child and the applicant is booked for a serious crime of aggravated penetrative sexual assault. When the informant is won-over by the applicant, this Court finds no ground to release the applicant on bail. Therefore, the applicant is not entitled to be released on bail. Hence, the bail application is rejected.

**[ SANJAY A. DESHMUKH, J. ]**