



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

BAIL APPLICATION NO. 1598 OF 2025

Shubham Sanjay Navghare.

... Applicant

Versus

The State of Maharashtra and others.

... Respondents

...
Ms. Ashwini Patil, h/f Mr. S. J. Salunke, Advocate for Applicant.

Mr. K. K. Naik, APP for Respondent Nos.1 and 2.

Ms. Priyanka Y. Sarnaik, Advocate for Respondent No.3. (Appointed).

...

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

RESERVED ON : 19th September, 2025.

PRONOUNCED ON : 30th September, 2025.

ORDER:

1 Heard both the sides.

2 This application is filed for grant of regular bail in connection with Crime No.0083 of 2025, registered with Palam Police Station, District Parbhani, for the offences punishable under Sections 64, 64(2)(m), 65 and 70 of the Bharatiya Nyaya Sanhita, 2023 (for short, "the BNS"), under Sections 4, 8 and 12 of the Children from Sexual Offences Act, 2012 (for short, "the POCSO Act") and under

Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006.

3 The informant averred in the report that she is 17 years and 16 days old. Her father is serving as a labourer in the agricultural land of one Baliram Chaure. The informant used to go there to look after her younger brother aged 3 years. She came in acquaintance with co-accused Pawan Keshav Dudhate. Thereafter, on one occasion, co-accused Pawan approached her and told her that he liked her and wanted to marry her. On 10th August, 2024, co-accused Pawan committed forcible sexual intercourse with her in the agricultural land of Baliram Chaure. Thereafter, whenever her parents used to leave the house for agricultural work, co-accused Pawan used to visit her house and used to insist that she meet him at the Zilla Parishad Primary School of that village. Whenever she refused, he threatened her that he would disclose the matter to her parents. Therefore, under his fear, she used to meet him at the said school, where he took her into the girls' washroom and committed sexual intercourse with her on several occasions.

4 The informant further averred that on 1st September, 2024, co-accused Pawan alongwith co-accused Madhav Awad, came to her house and both of them committed forcible sexual intercourse with her. On 4th September, 2024, co-accused Pawan came to her house on a

motorcycle and asked her to meet him in the agricultural land of Baliram Chaure. Accordingly, she went there. Co-accused Pawan and the applicant were present there. At that time, co-accused Pawan threatened her and told her that they both wanted to have sexual intercourse with her, otherwise they will eliminate her. At that time, both co-accused Pawan and the applicant committed a forcible sexual intercourse with her.

5 The informant further averred that on 13th September, 2024, co-accused Pawan took her to the agricultural land of Baliram Chaure under a lemon tree, where co-accused Ananta Navghare was already present. Despite her refusal, both co-accused Pawan and Ananta committed sexual intercourse with her by threatening her. Thereafter, on 15th September, 2024, co-accused Pawan called her to the agricultural land of Chilya Chaure. When she refused, he forcibly took her there. At that place, co-accused Chilya Chaure also threatened her and committed a forcible sexual intercourse with her.

6 The informant further averred that on 1st February, 2025, her father performed her marriage with co-accused Devidas Paradkar. Thereafter, she went to her matrimonial home for cohabitation. There, her husband i.e. co-accused Devidas Paradkar also have sexual relations with her.

7 The informant further averred that on 2nd March, 2025, she suffered by stomach pain. Therefore, her husband co-accused Devidas took her to Dr. Lolge Hospital at Purna, where on sonography the medical officer informed that she was pregnant. Again, on 5th March, 2025, co-accused Devidas took her to Government Hospital, Vishnupuri, Nanded, where the medical officer examined her and informed that she was four months pregnant. Thereafter, her husband co-accused Devidas sent her to her parents' house. Therefore, she lodged the report against ten accused, including her husband.

8 The learned counsel for the applicant submitted that the applicant is falsely implicated in the crime. The informant is of the age of understanding. Her husband i.e. co-accused Devidas is released on bail by the Trial Court by order dated 2nd April, 2025. Custody of the applicant is not required as the charge-sheet has been filed. The applicant has roots in the society and he will not flee away from the trial. Trial will take a long period. It is lastly prayed to allow the application.

9 The learned counsel for the applicant relied upon the judgment of the Allahabad High Court in the case of ***Abbas and others Vs. State of U.P. and others, 2025 CriLJ 1226***, delivered in

Criminal Revision No.5217 of 2023 on 27th January, 2025.

10 The learned APP for the State and the learned counsel appointed to represent the cause of respondent No.3 strongly opposed the application and submitted that the applicant is booked for serious crime of commission of aggravated sexual assault on the informant frequently. The informant was pregnant because of the alleged aggravated sexual assault. There is strong material against the applicant. If the applicant is released on bail, he will pressurize the prosecution witnesses and tamper the evidence. It is lastly prayed to reject the application.

11 Perused the charge-sheet, particularly, the report and the statement of the informant recorded under Section 183 of the BNSS, in which she has stated that, except co-accused Pawan, nobody has committed sexual intercourse with her. However, her report shows that the applicant has also committed aggravated sexual assault on her against her will. If the applicant is released on bail, certainly he will pressurize the prosecution witnesses and tamper the evidence. Considering the role of the applicant, he cannot be granted bail on the ground of parity, as co-accused Devidas is released on bail by the Trial Court vide order dated 2nd April, 2025.

12 The law laid down in ***Abbas and others*** (supra) is not applicable to this case as the said judgment is passed in Revision and the parameters for deciding the revision and the bail application are different.

13 Therefore, considering all these reasons, the application deserves to be rejected. The bail application is rejected.

14 The fees of Ms. Priyanka Y. Sarnaik, learned counsel appointed to represent the cause of respondent No.3 be paid through the High Court Legal Services Sub-Committee, Aurangabad as per Rules and schedule.

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

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