



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 BAIL APPLICATION NO. 1654 OF 2024

GIRISH SHIVAJI BEJGAMWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Gangakhedkar Shailendra S.
APP for Respondent/State : Mr. P.P. Dawalkar
Advocate for Respondent 2 : Mrs. Samiksha S. Auti
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 09/07/2025

P.C. :

1. Heard the learned counsel for the applicant, the learned APP for the respondent-State and Mrs. Samiksha S. Auti, learned advocate for respondent No. 2.
2. The applicant is seeking bail as he was arrested in connection with Crime No. 197/2024 registered on 11.05.2024 with Bhagya Nagar Police Station, District Nanded for the offences punishable under sections 376(2) (n) of I.P.C. and sections 4, 6 and 8 of the Prevention of Children from Sexual Offences Act.
3. In the instant case three different dates of birth of victim are given. As per the those dates, the maximum age of victim is of 16 years, 5 months and 18 days. It is stated in the FIR that the victim is of lessor IQ and by taking undue advantage of this fact, the applicant has kept forceful sexual relations with the victim. In the FIR, it is stated that when victim was complaining about stomach-ache and thereafter she was taken to hospital. At that time, the parents of the victim came to know that the victim was pregnant. On inquiry, the victim has stated that the applicant had forceful

sexual intercourse with her. As such the FIR is registered against the applicant for aforesaid offences.

4. The learned counsel for the applicant submits that there is nothing on the record to show that the victim was of lessor IQ and the relations between the applicant and the victim are consensual. The learned counsel submits that investigation in the matter is completed and chargesheet is also file. The applicant is behind bars from 28.5.2024. The learned counsel submits that considering above all circumstances, the applicant may be released on regular bail.

5. The learned APP strongly opposed the application for grant of regular bail to the applicant on the ground that the allegations against the applicant are serious.

6. Having perused the above submissions and police papers, it appears that the learned APP is not able to point out from the record that the victim is of lessor IQ, though chargesheet in the matter is filed. No complaint is made by the victim. The case is registered only after it is known that the victim has became pregnant. The applicant is behind bars from 28.5.2024. The trial will take its own time to conclude and no purpose would be served by keeping the applicant behind bars till the conclusion of the trial. As such, considering the possibility of consensual relations, regular bail can be granted to the applicant.

7. In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 197/2024 registered on 11.05.2024 with Bhagya Nagar Police Station, District Nanded for the offences punishable under sections 376(2)(n) of I.P.C. and sections 4, 6 and 8 of the Prevention of

Children from Sexual Offences Act, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant shall not enter the jurisdiction of Bhagya Nagar Police Station, Nanded during pendency of the trial.

c] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

e] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

8. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

9. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/