



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 CRIMINAL APPEAL NO. 650 OF 2025

MAHESH ALIAS NARAYAN MACHINDRA KARE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Sandip Ramnath Andhale, Advocate for Appellant.

Mr. G. O. Wattamwar, APP for Respondent No.1-State.

Ms. Madhaveshwari Mhase, Advocate for Respondent No.2.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 7th OCTOBER, 2025

PC.:-

1. Mr. Sandip Andhale, learned Advocate for the Appellant is praying for regular bail in C.R. No.241 of 2025 dated 6th May 2025, registered at Pathri Police Station, Taluka Pathri, District Parbhani for the offences punishable under Sections 64(1), 333, 115(2) and 351(2) of Bharatiya Nyaya Sanhita, 2023 (**BNS**) and under Sections 3(2)(va), 3(1)(w)(i), 3(1)(w)(ii) and 3(1)(l) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 (**SC&ST Act**).

2. As per the report, which is lodged by the Informant, she is married to one-Akash Waghmare and residing with him, mother, daughter and son. She belongs to Boudh Community i.e. Schedule Caste. The Accused belongs to Hatkar caste and he is sugar cane cutting Mukadam. The Informant and her husband were working with

the Accused in sugar cane cutting gang since last three years. The Accused used to address the Informant as “sister”. On 6th May 2025, the husband of the Informant had gone to Gadawari river to collect the firewood and her children had gone to their grandmother’s house. At that time, no one else was present at her residence. Between 8:30 a.m. to 9:00 a.m., while the Informant was cooking, the Accused suddenly entered into her house and inquired about the whereabouts of her husband. She replied that her husband went to river for bringing firewoods. Then immediately, the Accused forcibly committed sexual intercourse with her. The Accused threatened her not to disclose the incident to anyone otherwise he would kill her along with her children and relatives. After some time, her husband returned to home, seeing him Accused fled away from the spot. She narrated the incident to her husband and subsequently to her relatives. Thereafter, on the same day, report was lodged to Pathri Police Station at about 4:00 p.m. The said report came to be registered as Crime No.241 of 2025 dated 6th May 2025 for the offences punishable under Sections 64(1), 333, 115(2) and 351(2) of BNS and under Sections 3(2)(va), 3(1)(w)(i), 3(1)(w)(ii) and 3(1)(l) of SC&ST Act. Accordingly, investigation was set into motion.

3. The Appellant came to be arrested on 14th May 2025. According to learned Advocate for the Appellant submits that the

investigation in respect of the incident has been completed and that the trial is likely to take a considerable time; hence, the Appellant prays for grant of regular bail.

4. Mr. G. O. Wattamwar, learned APP for Respondent No.1-State and Ms. Madhaveshwari Mhase, learned Advocate for Respondent No.2 strongly opposed the appeal for grant of bail. According to them, there is injury on the neck of the victim. She was examined immediately on the same date. Ms. Mhase further pointed out that injuries were also found on the private parts of the Informant. According to both the learned Advocates for the respective Respondents, the Appellant is involved in a serious offence against a woman, and therefore, he does not deserve to be released on bail.

5. After hearing all the learned Advocates for their respective parties, it is seen that the investigation in the crime has been completed and the charge-sheet has already been filed. The Appellant is 27 years of age and languishing in jail since 14th May 2025. Since the trial would take time to commence and conclude, therefore, the Appellant cannot be kept behind bar for the very same purpose. In view of the apprehension raised by Advocate for Respondents, the matter can be considered for grant of bail by imposing certain stringent conditions, which are as under:-

ORDER

- (i). Appeal is allowed.
- (ii). Impugned order date 28th July 2025 below Exhibit No.3 passed by the learned Additional Sessions Judge, Parbhani in Sessions Case No.78 of 2025 is quashed and set aside.
- (iii). The Appellant, arrested in connection with C.R. No.241 of 2025 dated 6th May 2025, registered at Pathri Police Station, Taluka Pathri, District Parbhani, be released on bail on furnishing PR bond of Rs.20,000/- with two sureties in the like amount to the satisfaction of the trial Court.
- (iv). The Appellant shall remain present before the investigating officer as and when required by the investigating officer.
- (v). The Appellant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.
- (vi). The Appellant 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.
- (vii). The Appellant shall not tamper with the evidence of the

prosecution and he shall not influence the Informant, witnesses and other persons concerned with the case.

(viii). The Appellant, 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. The Appellant also provide complete address along with mobile number to the concerned police station.

(ix). The Appellant shall not enter the Masala Khurd village during pendency of the trial.

6. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the Appellant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present criminal appeal. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

7. The appeal stands disposed of.

8. By order dated 23rd September 2025, passed by this Court, learned Advocate Ms. Madhaveshwari Mhase was appointed by this Court to represent the cause of Respondent No.2-victim in this matter. However, her fees remained to be quantified.

9. In view of the above, the fees of Ms. Madhaveshwari Mhase, learned Advocate appointed for Respondent No.2 in this matter be paid through the High Court Legal Services Sub-committee, Aurangabad as per rules.

(SUSHIL M. GHODESWAR, J.)

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