



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1719 OF 2025

PRABHAKAR RAMBHAU PAIKRAO

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Deshmukh Sakharam G. (Appointed)

APP for Respondents-State : Ms. D. S. Jape

Advocate for Respondent No. 2 : Ms. Nikita Ragade (Appointed)

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CORAM : SACHIN S. DESHMUKH, J.

Date : 4th December, 2025

ORDER :-

1. The applicant has approached this Court for seeking regular bail in Special (POCSO) Case No. 45 of 2023 pending before the learned Sessions Court – 2, Hingoli for the offences punishable under Sections 376(2)(f), 376(2)(l), 376(2)(n), 328, 323 and 506 of the Indian Penal Code and Section 4 and 10 of the Protection of Women from Sexual Offences Act, 2012.

2. The prosecution case in brief is that the applicant is the father of the victim aged 15 years. It is alleged in the complaint that the applicant / accused has forcibly committed sexual intercourse with the victim. Applicant has also assaulted and threatened the victim to kill in case of disclosure of the incident.

The victim told the incident to the her uncle and lodged the report to the Police Station.

3. The learned counsel for applicant submits that applicant is arrested on 02.05.2023 and since then, he is in jail. The trial has commenced and testimony of victim is recorded. As such, the possibility of tampering the victim is not not available. This has occasioned change in circumstances. It is further submitted that there is no certainty in the date of birth of victim. Medical evidence indicates that there is no injury on or around the private part of victim. Hence, prayed to allow the application.

4. Per contra, the learned APP has vehemently opposed the application submitting the the offence is serious in nature. The applicant is the father of the victim who had committed sexual intercourse with the victim. Hence, prayed for rejection of the application.

5. The learned counsel for respondent No. 2 – victim submits that taking into account the age of the victim and the role of the applicant, the incarceration of the applicant is necessary. If the applicant released on bail, there is strong possibility of

tampering the evidence. Therefore, prayed for rejection of the application.

6. It is a matter of record that first bail application bearing Bail Application No. 2297 of 2023 is disposed of as withdrawn vide order dated 12.07.2024 of this Court. Thereafter, second successive bail application bearing Bail Application No. 1856 of 2024 is disposed of vide order dated 25.11.2024 granting liberty to apply for regular bail. Accordingly, this third successive bail application is presented by the applicant.

7. Admittedly, the applicant is the biological father of the victim. The allegations and the offenses leveled against the applicant are serious in nature. The victim's allegations are supported by the of brother of the victim.

8. Furthermore, the trial is yet to conclude and other key witnesses are yet to be examined. The applicant is the father of the victim, as such, there is every possibility of the applicant coercing or threatening the relatives/other witnesses.

9. Pertinently, this is a successive bail application

presented by the Applicant. Merely because the testimony of the victim is recorded by the trial court, does not entail to the applicant to present a successive bail application contending change in circumstances.

10. Thus, in the light of the aforesaid discussion and considering the heinous nature of crime, involving the minor daughter of the applicant, no case is made out for bail by the applicant.

11. The High Court Legal Services Sub-Committee, High Court Bench at Aurangabad, to pay the fees to the learned counsel appointed to represent the **applicant** and **respondent No. 2**, as per rules.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi