



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

969 BAIL APPLICATION NO. 1734 OF 2025

AKSHAY TUKARAM MALI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

....

Mr. Manij A. Dond, Advocate for the Applicant

Mr. K. K. Naik, APP for Respondent No.1 – State

Mr. S. S. Wagh, Advocate for Respondent No.2

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 17.10.2025

PER COURT :-

1. This is an application for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.145 of 2025, registered at Sonai Police Station, District Ahilyanagar, for the offences punishable under Sections 137(2), 64(1), 69, 87, 253, 49 and 3(5) the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(A)/4, 11/12, 16/17 of POCSO Act.

2. It is the case of the prosecution that the applicant forcibly took away the victim child of 13 years 03 months age and

thereafter committed penetrative sexual assault against her will. The report was lodged by the father of victim.

3. The learned advocate for the applicant submitted that the matter has been compromised and the affidavit of the father of the victim child is filed to that effect. He has stated that under the misconception, the report was lodged by him. The matter has been amicably settled. It is a matter of love affair between the applicant and the daughter of informant. Learned advocate for the applicant therefore prayed to allow the application.

4. The learned APP for the State strongly opposed the application and submitted that the applicant has forced the informant for the compromise. This is an example of pressurising the prosecution witnesses and tampering the evidence. It is submitted that facts in the case of **Sanket Murlidhar Hiwale and Kiran Gautam More in Bail Application Nos.654 and 636 of 2024**, decided on 07.05.2025, are different. In this case the applicant and his relatives forced the informant for compromise. The consent of child as defined in the POCSO Act is no consent. It is lastly prayed to reject the application.

5. Perused the charge-sheet, particularly in the report and the statement of the victim child, it has been stated that the penetrative sexual assault was committed by the applicant against her will. The age of the victim is not in dispute. Though this Court has granted bail in Bail Application Nos. 654 and 636 of 2024, the facts in those cases were different. In the present case, it appears from the report that informant was pressurised to compromise the matter. It is not compoundable offence. Such a compromise, being contrary to the provisions of law, cannot be recorded.

6. Considering all these reasons the fact of this case and the case of **Sanket Murlidhar Hiwale and Kiran Gautam More (supra)**, are different. In this case, victim child's father is forced to file affidavit. It is illegal compromise, therefore, said case law is not relied upon.

7. Considering all these reasons, the application deserves to be rejected. The trial Court is directed to expedite the trial and decide the same as expeditiously as possible.

8. The bail application is rejected.

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