



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

961 BAIL APPLICATION NO. 1772 OF 2025

Namdev Balaji Waghmare

VERSUS

The State Of Maharashtra And Another

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Mr. Tandale Tushar M., Advocate for Applicant

Mr. K. K. Naik, APP for Respondent State

Mr. Shrinivas A. Ambad, Advocate for Respondent No.2

CORAM : SANJAY A. DESHMUKH, J.

DATE : 14th October, 2025

ORDER:

1. Heard.

2. This is an application, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "the BNSS"), for grant of regular bail in connection with Crime No. 171 of 2025, registered with Usman Nagar Police Station, District Nanded, for the offences punishable under Sections 64(1), 352, 351(2), 351(3), 125(a) of the Bharatiya Nyaya Sanhita, 2023 (for short, "the BNS") and under sections 4, 8, 11(4) 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The learned counsel for the applicant pointed out the report in which the informant averred that on 11.10.2024, the applicant committed aggravated serious sexual assault against the will of her daughter who is 17 years old by stupefying substance which was applied to her nose. The daughter of the informant told that incident

to her parents in the evening. It is further averred that thereafter, a meeting was called and in that meeting, the matter was settled. The informant further averred that again on 18.12.2024, a meeting was conducted and in that meeting, the applicant and his family members agreed that incident and prayed for apology. A meeting was held again, during which, the informant's side was verbally abused and threatened to eliminate them. It was further averred that on 12.06.2025, the other co-accused thrown a stone on the house of the informant and threatened to kill her. Thereafter, the informant left the village and went to the another village. That time, the co-accused Krushna threatened the informant that what happened even after commission of rape and will also commit rape upon her daughter. This incident took place on 21.06.2015 and the report was lodged about these three incidents on 01.08.2025.

4. The learned counsel for the applicant submitted that the applicant is falsely implicated in the crime. Practical investigation is over and the custody of the applicant is not necessary. He has roots in the society and he will not flee away from the trial. There is delay of about one year for lodging the report. The applicant has no criminal antecedence. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and pointed out the allegations in the report and the statements supporting statements of the victim child and other

witnesses. He submitted that the applicant is involved in the serious crime. If he is released on bail, he will pressurize the prosecution witnesses and tamper with the evidence. The possibility of commission of similar nature of crime again on the part of the applicant also cannot be ruled out, if he is released on bail. It is lastly prayed to reject the application.

6 Perused the charge sheet, particularly, the report and the statement of the victim child. The first incident allegedly took place on 11.08.2024. Thereafter 2/3 incidents alleged to have been taken place and the meetings were held between them. The report was not immediately lodged. The applicant has roots in the society. Practical investigation is over and custody of the applicant is not necessary for investigation and the applicant will not flee away from trial. The trial will take long period. Therefore, the applicant is entitled for bail on the principle that bail is rule and jail is exception. Considering all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No. 171 of 2025 be released on bail on furnishing personal bond of

Rs.25,000/- with surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- d) The applicant shall not indulge in similar activities again. If it is found that the applicant is involved in such activities, the informant may file application before the trial court for cancellation bail of this applicant before the Trial Court. If such an application is moved, the Trial Court is at liberty to decide the said application on merits though bail is granted by this Court.

(SANJAY A. DESHMUKH, J.)