



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 BAIL APPLICATION NO. 1932 OF 2025

VISHAL ALIAS SAMBHAJI DNYANESHWAR MASHAL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for applicant : Mr. Sanjay A. Wakure
APP for the respondent – State : Ms. D.S. Jape
Advocate for respondent no. 2 : Ms. Tejaswini Raut (Appointed)

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 22 DECEMBER 2025

PER COURT :

The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 439 of 2025 dated 02.07.2025 registered with Umarga Police Station, District - Dharashiv for the offences punishable under section 137(2), 64(1), 87, 137(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023, section 4, 6 of the Protection of Children From Sexual Offences Act, 2012.

2. The complaint came to be lodged on 02.07.2025, with an assertion that the girl aged 17 years and 9 months, has left the house in the intervening night of 1st and 2nd July 2025, in the aforesaid backdrop, the allegations of commission of offence under section 137(2), 64(1), 87, 137(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023, section 4, 6 of the Protection of Children From Sexual Offences Act, 2012 are levelled against the unknown persons.

3. Learned counsel for the applicant submits that initially, the FIR is against unknown person and applicant is not named, however, subsequently, on the statement of the victim, applicant is arrayed as accused in the present crime. Victim has not subjected herself to medical examination. The applicant has been arrested since 29.07.2025. Investigation is complete. Chargesheet has been filed. Further incarceration of the applicant is, therefore, unjustified. Hence, prayed to allow the application.

4. Per contra, learned APP has opposed the application, submitting that the victim is a minor, in her statement, has named the applicant as having committed sexual assault. Therefore, prayed to reject the application. Also expressed an apprehension that if released on bail, the applicant may tamper with the prosecution witness.

5. Upon hearing both the sides and perusal of the record including chargehsset, it appears that the statement of the victim is recorded on 06.07.2025 about the alleged assault by the applicant on 02.07.2025. The victim has not subjected herself to the medical examination. The age of present applicant is only of 20 years, considering the age of applicant vis-a-vis victim, they are contemporaneous. Therefore, considering the totality of facts and circumstances those are emerging, *prima facie*, it appears that the

victim, on her own accord, accompanied the applicant and stayed with him for a considerable period.

6. The investigation is complete for all intent and purpose. Resultantly, chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution propose to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, incarceration of the applicant as an under-trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant upon imposing certain conditions.

7. Resultantly, the following order is passed :-

ORDER

(I) Application is allowed.

II) Applicant, Vishal alias Sambhaji S/o. Dnyaneshwar Mashal, be released on regular bail upon furnishing P.R. bond in the sum of Rs.50,000/- (Fifty Thousand only) with one or two local solvent sureties in the like amount, in connection with Crime No. 439 of 2025 dated 02.07.2025 registered with Umarga Police Station, District - Dharashiv for the offences punishable under section 137(2), 64(1), 87, 137(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023, section 4, 6 of the Protection of Children From Sexual Offences Act, 2012, on the following conditions :-

(a) After his release from jail, the applicant shall report to the Investigating Officer as and when called for in writing.

- (b) The applicant shall attend the trial Court every month between 11.00 am to 1.00 pm. to mark his presence.
- (c) Applicant shall co-operate with the conduct of trial and attend trial Court on all dates unless specifically exempted and will not take any unnecessary adjournment.
- (d) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court.
- (e) The applicant shall not influence with any of the prosecution witnesses or tamper with the evidence, in any manner.
- (f) Before his actual release from jail, the applicant shall furnish his address where he propose to reside after his release from jail, to the concerned Police Station and also to the Trial Court.
- (g) In case of infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

8. Needless to state that the observations rendered herein-above are to the extent of consideration of the bail application and trial Judge may not get influenced by these observations and shall consider the case on the basis of evidence on record and in accordance with law.

9. Since Ms. Tejaswini Raut, learned Advocate is appointed to represent respondent no. 2, her fees be quantified and paid to her by the High Court Legal Services Sub-Committee at Aurangabad, as per rules.

[SACHIN S. DESHMUKH]
JUDGE

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