



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO. 1937 OF 2025
OM RAMESH WANI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mr. Yogesh C. Patil
APP for Respondent/State : Mr. V. M. Kagne

Advocate for Respondent No.2 : Mrs. Khan Sultana Rahim
(Appointed)

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CORAM : MEHROZ K. PATHAN, J.

DATE : 27th NOVEMBER 2025

PER COURT :

1. The learned APP informs that though the victim is served with the notice, however nobody appears on behalf of the victim. The learned Counsel Mrs. Khan Sultana Rahim is present in Court and has agreed to assist this Court in representing the victim. She is therefore appointed to represent the victim.

2. The Applicant has approached this Court, praying for regular bail in connection with Crime No.772/2025 registered with the Kotwali Police Station, Ahmednagar for the offences punishable under Sections 74, 118(1), 115(2), 351(2), 351(3), 352, 324(4)(5), 3(5) of Bhartiya Nyaya Sanhita, 2023 and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The case of the prosecution is that the complainant is the victim herself, aged about 17 years. On 26.08.2025, at around 4:10 p.m., while victim was leaving her college, Applicant/accused approached her. He said he wanted to talk, but she refused. He then grabbed her right arm in a way that caused outrage to her modesty. She pulled her hand away and, feeling scared, went home and told her parents and brother about the incident. On 27.08.2025, at around 09:30 p.m., victim's brother saw Applicant/accused and accused Prathamesh Ghube. He confronted Applicant/accused asking why he had grabbed his sister's hand. In response, Applicant/accused verbally abused him. Accused Prathamesh Ghube held hands of victim's brother while Applicant/accused assaulted him with a motorcycle key near his left eyebrow and caused injury to him. They also threatened to kill him. During the scuffle, a gold chain weighing one tola that belonged to victim's brother fell and went lost. Thereafter, his friend Sushant Sukhdeo Vidhate intervened and stopped up the quarrel. Thereafter, on 28.08.2025 complainant lodged police complaint against Applicant/accused and other co-accused. Accordingly, FIR was registered.

4. The learned Counsel for the Applicant submits that the Applicant is arrested on 29.08.2025. The charge-sheet has already been filed as the investigation is completed. The other co-accused, Prathamesh Ghube, who is attributed with almost the same role as that of the present Applicant, has been granted anticipatory bail by the learned Sessions Judge vide order dated 16.09.2025. However,

bail has been denied to the Applicant on the ground that there are previous allegations against him of brutally assaulting the victim's brother.

. It is the submission of the learned Counsel for the Applicant that the injury sustained by victim's brother, Shivam, issued by the District Hospital, Ahilyanagar, is simple in nature. He therefore prays that looking to the nature of the allegations and the injury certificate and also the fact that the charge-sheet is filed, the Applicant may be released on bail.

5. As against this, the appointed Counsel for the victim and the learned APP vehemently opposed the present application on the ground that the Applicant was continuously stalking the victim girl and upon resistance of such stalking, the Applicant assaulted the brother of the victim. Though the injuries are simple in nature, taking into consideration the apprehension of threat to the prosecutrix if the Applicant is released on bail, the application may therefore be rejected.

6. I have considered the submissions advanced by the learned Counsel and has perused the charge-sheet with the assistance of the learned Counsel for the Applicant. The perusal of the injury certificate would show that the victim's brother have sustained only simple injury. The order passed in the case of Prathamesh Ghube shows that the co-accused, who is alleged to have caught hold of the victim's hands when the assault was carried out by the Applicant on

the brother of the victim, has already been released on anticipatory bail by the learned Sessions Court. The Applicant is arrested on 29.08.2025 and as the investigation is complete, the charge-sheet is filed, therefore no fruitful purpose would be served by further detaining the Applicant. During the period of interim bail granted for examinations, the Applicant did not commit any violation and scrupulously complied with the conditions imposed. The apprehension of the learned APP can be taken care of by imposing certain conditions, I am therefore inclined to release the Applicant on regular bail, subject to the following conditions. Hence, the following order :

ORDER

- (a) The Bail Application is allowed.
- (b) The Applicant – Om Ramesh Wani, be released on bail on furnishing P.B. of Rs.50,000/- (Rupees Fifty Thousands) with two solvent sureties of the like amount, in connection with Crime No.772/2025 registered with the Kotwali Police Station, Ahmednagar for the offences punishable under Sections 74, 118(1), 115(2), 351(2), 351(3), 352, 324(4)(5), 3(5) of Bhartiya Nyaya Sanhita, 2023 and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on the following conditions:
 - (i) The Applicant shall attend the concerned police station on every Sunday between 11:00 am. to 02:00 pm., till framing of the charge.
 - (ii) The Applicant shall attend each and every date of the

trial Court without fail unless exempted by the trial Court on emergent consideration.

(iii) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

(iv) The Applicant shall submit his Aadhar and PAN Card to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

(v) A single incident of involvement in identical offences would entitle the prosecution to seek cancellation of bail.

(vi) Fees of the learned appointed Counsel for Respondent No.2 shall be paid forthwith, as per Rules, by the Sub-Committee of the High Court Legal Aid Committee.

(c) The Application stands disposed of accordingly.

MEHROZ K. PATHAN
JUDGE