



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 BAIL APPLICATION NO. 1945 OF 2025

SHIVLING PRABHAKAR CHALAKAPURE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for applicant : Mr. Ajinkya Reddy
APP for the respondent – State : Mr. R.D. Raut
Advocate for the respondent no. 2 : (Dr.) Ms. Anagha Pedgaonkar
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 10 DECEMBER 2025

PER COURT :

The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 183 of 2025 dated 16.03.2025 registered with Udgir Rural Police Station, District - Latur for the offences punishable under section 333, 74, 75, 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, under section 8, 12 of the POCSO Act.

2. Initially, in relation to the incident dated 16.03.2025, the NC report was registered on 16.03.2025, about threatening the victim girl. However, thereafter, on 07.04.2025, the present complaint is lodged with an assertion that on 16.03.2025 at about 2.30 pm, when the parents of the victim were attending the engagement ceremony in the temple, the informant was accompanied with her younger sister, were

at home, at about 3.00 am, accused entered into the house and it is further alleged that the mother of the applicant was standing in the door and the applicant having entered into the house, enquired as to why the victim was not interacting with the accused person and outraged the modesty of the victim. When tried to pacify, it is further alleged that the applicant has even assaulted the victim and further threatened not to disclose the said incident.

3. Learned counsel for the applicant Mr. Ajinkya Reddy has submitted that already in relation to the incident dated 16.03.2025, the NC report is registered. However, exaggerating the same, at a belated juncture i.e. on 07.04.2025, assertion of outraging the modesty is levelled against the present applicant. Those are afterthought and in order to implicate the present applicant, in a false and frivolous case. Investigation is completed and chargesheet is filed. As such, further custodial interrogation of the applicant is not warranted.

4. Learned APP and the learned counsel representing the respondent, have opposed the application, submitting that the applicant has outraged the modesty of the victim, who is 15 years old. Considering the gravity of the offence and the age of the victim, same dis-entitles the applicant to seek release on bail. They further

expressed their apprehension that in case the applicant is enlarged on bail, the applicant may tamper with the prosecution witness.

5. Having considered the submission of both sides, and perused the material on record, including the initially registered NC report dated 16.03.2025, wherein the assertion of threat is levelled, however, at a belated juncture with an unexplained delay, present complaint I lodged. *Prima facie*, it appears the same is exaggerated since initially the NC report was lodged only for the offences under section 115(2), 351(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023, whereas the present complaint is lodged against the applicant for the offences under section 333, 74, 75, 115(2), 352, 351(2), 3(5), under section 8, 12 of the POCSO Act, 2012.

6. The initial incident is already reported and consequently, the NC report to that effect is also registered, however, same is apparently exaggerated while lodging the complaint in relation to which present FIR is registered. Thus, *prima facie*, the case is made out warranting consideration of the bail application. So far as the apprehension expressed by the learned APP and the learned counsel for the respondent, can be adequately taken care of by imposing stringent conditions.

7. Resultantly, the following order is passed :-

ORDER

(I) Application is allowed.

(II) Applicant – Shivling Prabhakar Chalakapure, 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. 183 of 2025 dated 16.03.2025 registered with Udgir Rural Police Station, District - Latur for the offences punishable under section 333, 74, 75, 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, under section 8, 12 of the POCSO Act, 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) The applicant shall not influence with any of the prosecution witnesses or tamper with the evidence, in any manner.
- (d) 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.
- (e) 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. Fees of Dr. (Ms.) Anagha Pedgaonkar, learned counsel appointed for respondent no. 2, be quantified and paid to her, by High Court Legal Services Sub-Committee at Aurangabad, as per rules.

[SACHIN S. DESHMUKH]
JUDGE

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