



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1978 OF 2025

Pradip Shivaji Shinde And Another

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondent

.....
Advocate for Applicant : Mr. Surse Sunil B

APP for Respondents: Ms. R.R. Tandale

Advocate for Respondent NO.2 : Ms. Akanksha V. Sagar Killarikar For R.
No. 2 (Appointed),

CORAM : MEHROZ K. PATHAN, J.

DATE : 12th NOVEMBER, 2025.

P.C. :-

1. The applicants are seeking regular bail in connection with Crime No. 200 of 2024 registered with Vedant Nagar Police Station, Dist. Chh. Sambhajinagar, for the offence punishable under Section 137(2) of the Bhartiya Nyaya Sanhita.

2. The case of the prosecution, in short, is that the victim is aged about 17 years and 20 days. On 30.11.2024, victim went missing. S, her father lodged complaint against unknown person and this crime came to be registered. During investigation, victim was found and police recorded her statement. During her statement, she disclosed that accused No.1 who is her cousin brother seduced and abducted her and committed aggravated penetrative sexual assault on her against her wish. Thereafter, on 30.11.2024, when she had traveled to Manmad by train, accused No.2 committed penetrative sexual assault on her. On 1.12.2024, when she traveled to Parbhani from Manmad by train, she met with accused No.3, by giving allurements of job, he took her to

Hingoli to the apartment of accused No.5. Thereafter, accused No.3 has committed penetrative sexual assault on her repeatedly. Thereafter, the victim travelled to Pune on 11.12.2024. She called accused No.3 who gave mobile number of accused No.4. She met with accused No.4 and he also took her in his flat and committed penetrative sexual assault on her repeatedly. Accused No.5 has abetted accused No.3 in commission of this offence. In this way, all the accused persons by taking advantage of being alone, sexual exploited her. Accordingly, the offence was registered against the applicants.

2. The learned counsel for the applicant submits that the other 2 persons i.e. Nikhil Bagade and Rohit Dhakare, who are attributed an identical role in the same crime are already released on bail by this Court vide order dated 30.9.2025. The accused Nikhil and Rohit, are attributed the same role of committing forcible sexual intercourse upon the complainant victim who aged 17 years. It is submitted by learned counsel for the applicant that the victim is regular reporter of the incidents in respect of sexual intercourse and is extracting money out of the same. He refers to one of the crime registered by same victim bearing FIR No. 125 of 2025 against one Indrajit Pawar, who is also facing the allegations of forcible sexual intercourse in another police station i.e. Bidkin. He, therefore, submits that the applicant being habitual extortionist cannot be said to be victim of the incident. Moreover, he relies upon the judgment of this Court in the case of **Sunil Mahadeo Patil Vs. State of Maharashtra reported in 2015 On Line Bom 6204**, wherein, this court has granted benefit to the applicants, who were identically situated relying upon one of the judgments of the Principal Seat of this Court in the matter of **Mohd. Ajaan Khan vs. State of Maharashtra reported in 2015 SCC Online Bombay 6204**.

4. He, therefore, submits that looking to the age of the victim,

she cannot be said to be not knowing the consequences of her acts and conduct, and that the applicants are also therefore, entitled for the same relief as is granted to the other co-accused in Bail Application No. 827 of 2025.

5. As against this, the learned APP, opposing the application submits that in so far as applicant - Pradip Shinde is concerned, no such prior applications were made and as such, he has approached this court for the first time. However, applicant – Samadhan Shinde has already filed one bail application bearing B.A. No. 546 of 2025, before this Court and this Court vide order dated 8.5.2025 was pleased to reject the application of said Samadhan by passing a detailed reasoned order. She, therefore, submits that the present application may not be entertained. She further submits that the application has failed to make mention about his earlier application for bail being rejected by this Court.

6. The learned counsel for the victim adopts the arguments advanced by the learned APP and prays for rejection of the bail application.

7. I have gone through the order passed by this Court in B.A. No. 546 of 2025 rejecting the bail application of the accused Samadhan and also gone through the order passed by this Court in the case of Nikhil Bagde in B.A. No. 827 OF 2025 and Rohit Dhakare in B.A. No.1172 of 2025 and also in the case of Indrajit who is accused in Crime No., 125 of 2025, bearing B.A. No. 1178 of 2025.

8. This Court has considered in detail the conduct of the prosecutrix not only in that case but also in Crime No. 125 of 2025 wherein, the said Indrajit is alleged with the same offence of forcible sexual intercourse as narrated by the victim in the present case.

9. It also appears from the record that in order dated 30.9.2025, in the aforesaid bail application, this court has relied upon judgment in the matter of Sunil Mahadev Patil vs. State of Maharashtra and observed as under :-

“.. taking into account the prosecutrix’s age of understanding and her conduct after the incident and the cardinal principle of bail I.,e. Bail is rule and jail is exception, the applications deserve to be allowed ...”

10. In so far as the objection regarding non mentioning of the earlier bail application is concerned, the order rejecting bail application of Samadhan passed by learned Sessions Judge in Special Case No. 137 of 2025 below Exhibit 58, clearly makes a mention of the earlier bail application filed by Samadhan Shinde in B.A. No. 546 of 2025 and the order passed by this Court in the said Bail Application dated 8.5.2025. I am, therefore, of the opinion that the applicant has made out a case on the ground of parity and hence, I am inclined to release the application on bail : Hence, the following order :-

[I] The application is allowed ;

[ii] The applicants – Pradip Shivaji Shinde and Samadhan @ Onkar Balajirao Shinde, be released on bail, on furnishing P.B. and S.B. in the sum of Rs. 50,000, each in connection with Crime No. 200 of 2024 registered with Vedant Nagar Police Station, Dist. Chh. Sambhajinagar, for the offence punishable under Section 137(2) of the Bhartiya Nyaya Sanhita.

on the following conditions :-

[iii] The applicants shall not tamper with the prosecution evidence; and shall not pressurize the witnesses.

[iv] The applicants shall attend the trial on each and every

date.

[iv] Since Ms. Aakanksha V. Sagar Killarika, Advocate is appointed to represent the respondent No.2 her fees be quantified as per the schedule of fees maintained by the High Court Legal Services Sub-Committee, Aurangabad.

[vi] The application is disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-