



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2049 OF 2025

SHUBHAM FULCHAND SHELKE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Irfan D. Maniyar
APP for Respondents-State : Mr. R. D. Raut

CORAM : SACHIN S. DESHMUKH, J.

Date : 9th December, 2025

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 22.06.2025 bearing Crime No. 253 of 2025 registered with AUSA Police Station, Dist. Latur for the offences punishable under Sections 70(1), 64(2)(m), 74, 75, 123, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita.

2. It is the case of the prosecution that on 22.06.2025, the informant lodged the FIR. Allegedly, through Instagram account, informant received a friend request, was accepted by the victim. Thereafter, accused No.1 started obscene chatting. Later on, informant stopped the chatting. Subsequently, informant received a call from accused No.1 by which informant was

threatened that her photos would be circulated. On 25.01.2025 accused No.1 took informant to the room of accused No.2 and committed sexual intercourse against her will. On the next day, again informant was pressurized and was called near a bus-stop and taken in a room and was raped. In supplementary statement, the victim has stated that on the said day, accused No.2 as well as two more unknown persons had committed sexual assault on informant. After around 4 months, the complainant realized that she missed menstrual cycles and subsequently, lodged the report.

3. The learned counsel for applicant submits that there is an inordinate delay of about 7 months in lodging the FIR. The offence alleged by the informant is false. The date of first occurrence of incident is 25.01.2025 and since then, informant never filed any complaint. The silence on the part of informant indicates the informant was consenting party to the alleged act. In any case, the only allegation against the present applicant is that of bad touch. Hence, prayed to allow the application.

4. The learned APP vehemently opposed the application and submits that the crime is serious in nature and there is sufficient material on record to establish the complicity of the

applicant. Hence, prayed to reject the application.

5. Perusal of record indicates that the role of the applicant is limited to the extent of bad touch. The statement of the victim indicates the victim was in contact with these accused persons and has acceded several requests of the accused persons on several occasions. The statement of the victim does not contain any element of force or compulsion.

6. Therefore, it is prima facie evident that the victim has consciously participated in the act and the conduct establishes that victim was aware of the consequences of her actions. Thus, the factual matrix of the case does not reflect any active inducement or coercive conduct on the part of accused.

7. Apart from the aforesaid aspect, the alleged incident has occurred on 25.01.2025 whereas the FIR is lodged on 22.06.2025. Subsequently, the supplementary statement was recorded wherein the several improvements were made. Hence, the same cannot be solely relied upon to withhold the right of liberty of the applicants.

8. The investigation of the case has been completed and eventually the charge-sheet is filed. Moreover, there are no criminal antecedent of the accused. Thus, no fruitful purpose would be served by keeping the accused behind the bar.

9. In the light of the aforesaid peculiar facts and circumstances of the case, the applicants can be enlarged on bail by imposing stringent conditions. In that view of the matter, the applicant deserves to be released on bail.

10. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Shubham Fulchand Shelke be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in Crime No. 253 of 2025 registered with AUSA Police Station, Dist. Latur for the offences punishable under Sections 70(1), 64(2)(m), 74, 75, 123, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita on the following conditions :-
 - (a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (b) The Applicant shall not pressurize the prosecution

witnesses and shall not tamper with the prosecution evidence, in any manner.

- (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi