



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 2195 OF 2025

OMKAR DATTA MADDEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Shrikant B. Madde
APP for Respondents No.1 and 2 : Mr. V. M. Chate
Advocate for Respondent No.3 : Mr. Rahul R. Garje
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 22-12-2025

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.132 of 2025 dated 09.07.2025 registered with Malakoli Police Station, District Nanded, for the offences punishable under Sections 137(2), 64(1), 96, 74, 75 read with Section 3(5) of the *Bharatiya Nyaya Sanhita, 2023* and Sections 3, 4, 7, 8, 11, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012. In the said crime, the applicant was arrested on 15.07.2025. After completion of the investigation, the chargesheet has been filed.

2. The victim is the daughter of the complainant, who was studying in 12th standard. On the day of the incident, 08.07.2025, the victim left the house for school and has not returned. Hence, the report is lodged.

3. Learned Counsel for the applicant submits that the applicant is falsely implicated. The victim was sixteen years and nine months old at the time of the alleged incident. The statement of the witnesses indicate the victim voluntarily accompanied the applicant and was not abducted. It is contended that the victim is having an age of understanding and aware of the consequences of her actions. The applicant has no criminal record, and co-accused Shubham has already been granted bail. Hence, prayed release of the applicant on bail on the ground of parity.

4. Learned A.P.P. has opposed the application for bail, submitting that the offence is serious, as the victim is a minor girl. The prosecution contends that the applicant was following the victim, despite her lack of interest. It is alleged that the applicant took the victim to various locations without her consent and forcibly engaged in physical relations with her. Therefore, prayed that the application for bail be rejected.

5. Upon considering the submissions and perusing the material on record, including the statement of the victim indicates that on the date of incident, the victim accompanied with the applicant having material match with the age, on her own accord without informing her parents. The statement further indicates that victim stayed with the applicant at various places for a considerable period and has nowhere attempted to initiate contact with her

parents nor resisted any protest in relation to alleged sexual assault. Thus, *prima facie*, there appears no coercion or threats at the instance of the applicant. In view of the facts and circumstances, aforestated, this Court is of the considered view that discretion can be exercised in favour of the applicant.

6. The investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further detention 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.

7. Hence, the following order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant, Omkar Datta Maddewad, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each, with one solvent surety of the like amount in Crime No.132 of 2025 dated 09.07.2025 registered with Malakoli Police Station, District Nanded, for the offences punishable under Sections 137(2), 64(1), 96,

74, 75 read with Section 3(5) of the *Bharatiya Nyaya Sanhita, 2023* and Sections 3, 4, 7, 8, 11, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012, on the conditions that;

- (a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.
 - (c) The applicant shall submit their Aadhar and Pan Cards to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to state 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]
JUDGE

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