



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2272 OF 2025

KUNAL SITARAM KUNDARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Vijay S. Wakale
APP for Respondents-State : Ms. R. R. Tandale
Advocate for Respondent No. 2 : Ms. Smita R. Kasture (Appointed)

CORAM : SACHIN S. DESHMUKH, J.

Date : 23rd December, 2025

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 25.07.2025 bearing Crime No. 274 of 2025 registered with Jawahar Nagar Police Station, Dist. Aurangabad for the offences punishable under Sections 64(1) and 78 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The prosecution case is that the that the victim (16 years old) and the applicant / accused reside in the same locality, and the victim knows the accused. Approximately 10 months prior to the incident, the accused was following the victim. On

24.07.2025, when the victim went to a grocery shop, the accused was standing in front of it. The accused expressed his desire to meet with the victim and also to introduce her to his mother and grandmother. It is alleged that the applicant forcibly took the victim on his motorcycle to his house where the applicant introduced the victim to his mother and grandmother as their proposed daughter-in-law. Thereafter, the accused's mother and grandmother left to attend the housework and the applicant ensured to leave his brother the house as well.

3. It is further alleged that at that time, the accused / applicant began touching the victim inappropriately. When resisted by the victim, the applicant forcibly committed a penetrative sexual assault. After some time, the applicant's mother and grandmother returned and the victim left their home and returned to her own house and narrated the incident to her mother.

4. The learned counsel for the applicant submits that applicant and victim were in love relation and the same is apparent from the charge-sheet. However, because the family members of the victim are against the same, the applicant has been falsely implicated in this case. He further submitted that victim and

applicant is having material match in age and the victim was well aware of consequences of her acts and deeds. As the investigation is complete, the charge-sheet has been filed, and nothing further remains to be recovered from the applicant, it is prayed that the applicant be admitted to bail.

5. The learned APP for the State and the learned counsel appointed on behalf of respondent No. 2 vehemently opposed the application, submitting that the applicant is indulged in serious offenses. The informant' / victim was subjected to sexual assault by the applicant. This conduct disentitles the applicant from claiming bail. Given the serious nature of these offenses, it is contended that the applicant's release on bail would create a significant risk of tampering with evidence. Consequently, the APP and the learned counsel for respondent No. 2 pray for the application to be rejected.

6. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, it is prima facie evident that the victim was in a relationship with the applicant for a substantial period. The perusal of record prima facie does not indicate that the victim resisted being introduced by the

applicant to his mother or grandmother as their proposed daughter-in-law.

7. Moreover, the applicant and the victim are contemporaneous age. Thus, prima facie, the factual matrix those are emerging does not reflect any active inducement or coercive conduct on the part of the accused. The arrest of the applicant has been effected on 07.09.2025 and since then, he is in judicial custody.

8. Apart from the aforesaid aspect, the investigation is complete for all intent and purpose, resultantly, the charge-sheet is filed. Having regard to the number 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 incarceration of the application as an under-trial prisoner, in the circumstances of the case, does not seem to be either warranted or justified. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

9. Keeping in view the peculiar facts and circumstances of the case, the applicant's right to liberty needs to be upheld by

imposing stringent conditions. The learned APP's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing certain stringent conditions. In that view of the matter, the applicant deserves to be released on bail.

10. The High Court Legal Services Sub-Committee, Aurangabad, to pay the fees to the learned counsel appointed on behalf of respondent No. 2, as per rules.

11. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Kunal Sitaram Kundare 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 connection with Crime No. 274 of 2025 registered with Jawahar Nagar Police Station, Dist. Aurangabad for the offences punishable under Sections 64(1) and 78 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, 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