



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

BAIL APPLICATION NO.2284 OF 2024

Dadasaheb Muktaram Karande

VERSUS

The State of Maharashtra and Anr.

...

Advocate for Applicant : Mr. S. S. Tope h/f Mr. A. S. Lokhande

APP for Respondent-State : Mr. N. B. Patil

Advocate for Respondent No.2 : Mr. Eklavya Potdar

...

CORAM : ARUN R. PEDNEKER, J.

Dated : August 05, 2025.

ORDER : -

1. Heard learned counsel for the applicant, the learned APP for the respondent-State, and the learned Counsel for respondent No.2.
2. The applicant is seeking bail as he was arrested in connection with FIR No.132/2024, dated 17/04/2024, registered with Gondi Police Station, Taluka Ambad, District Jalna, for the offences punishable under sections 376, 376(2) (n), 354(D), 506 of Indian Penal Code, and under Section 4, 5(1), 6, 8 and 12 of POCSO Act.
3. The FIR is registered by the victim, who was 12 years and 7 months old at the relevant time. She stated that she was studying in the 7th standard and was at home during the summer vacation. The applicant, aged 24 years, runs a small grocery shop in the village.
4. The victim stated that for the last two months, during the period of her 7th standard examinations, the applicant used to stare at her. On one

occasion, when she had gone to his shop to purchase some goods, the applicant insisted that she take his mobile number. However, she did not do so. Thereafter, the applicant started sending messages to her mother's mobile number. He then began calling the victim and expressing that he loved her.

5. On 01/04/2024, when the victim's mother saw one of the messages, the applicant stopped sending any further texts. However, on 16/04/2024, during the night, the applicant called the victim again and asked her to come outside the house. He threatened that if she failed to do so, he would defame her.

6. On 17/04/2024, between 12:00 a.m. and 12:15 a.m., the victim went outside the house. The applicant was waiting in a sugarcane field situated behind her house. He then took her near a *bandh* under a neem tree and made her lie down. At that place, the applicant removed her clothes and committed forcible sexual assault upon her. Thereafter, the victim lost consciousness.

7. The victim further stated in the FIR that even prior to this incident, the applicant had sexually assaulted her on five occasions. She does not

recall what happened after she fainted. In the morning, her sister found her lying unconscious in the field. After regaining consciousness, she narrated the incident to her parents and other family members. Consequently, an FIR came to be lodged against the applicant.

8. The applicant is arrested on 17/04/2024, and the charge-sheet is filed on 08/06/2024.

9. The learned Counsel for the applicant submits that the applicant and the victim were in a consensual relationship, that the investigation is complete, and the applicant is 24 years old and running a grocery business. He submits that the trial may take substantial time to conclude and, therefore, prays that the applicant be released on bail by imposing appropriate conditions.

10. *Per contra*, the learned APP and the learned Counsel for Respondent No.2 submit that this is primarily a case of rape committed on a child below the age of 16 years. They oppose the grant of bail, considering the serious nature of the allegations.

11. Having considered the rival submissions, it is evident that the victim

is 12 years and 7 months old, whereas the applicant is a 24 year old adult. The possibility of manipulation of a minor girl by an adult cannot be ruled out. The case of the prosecution is that the applicant called the victim outside the house, took her to the field, committed forcible sexual assault, and left her unconscious at the scene before fleeing. It is also stated that the victim resisted the assault, but the applicant overpowered her and committed the act forcibly.

12. These peculiar and serious facts *prima facie* disclose the commission of rape. Though the offence is to be proved during the course of trial, the allegations are grave, and the *prima facie* involvement of the applicant is clearly seen. Considering the tender age of the victim, the nature of the offence, and the circumstances of the incident, this Court does not find it appropriate to grant bail at this stage.

13. However, since the applicant is in custody since 19/04/2024, liberty is granted to him to revive the bail application after a period of one year, in the event the trial does not progress. In view of the above, the bail application stands rejected.

(ARUN R. PEDNEKER, J.)

vj gawade/-.