



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 BAIL APPLICATION NO. 2301 OF 2024
WITH
CRIMINAL APPLICATION NO. 1960 OF 2025
IN BA/2301/2024
WITH
CRIMINAL APPLICATION NO. 1964 OF 2025
IN BA/2301/2024

SACHIN SHIVAJI MALI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. S.V. Salunke h/f. Mr. S.S. Bharuka
APP for Respondent/State : Mr. D.J. Patil
Advocate for Respondent 2 : Mr. P.P. More
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CORAM : ARUN R. PEDNEKER, J.
DATE : 23/06/2025

P.C. :

1. Criminal Application Nos. 1960 and 1964 of 2025 are filed for cancellation of bailable warrant issued against the Investigating Officer vide order dated 21.4.2025 by this Court as there is delay in receiving the police papers. Relying upon the above order, the trial Court has issued bailable warrant against I.O. vide order dated 6.5.2025.
2. The learned APP submits that at the relevant time, the present I.O. could not remain present before this Court as the earlier I.O. was transferred to another place and the present applicant/I.O. has received the bailable warrant. The learned APP therefore prays to recall the orders dated 21.4.2025 passed by this Court issuing bailable warrant against the applicant/I.O. and the consequent order dated 6.5.2025 issued by the Trial Court.
3. Vide order dated 16.6.2025, this Court has directed that until further

hearing, the operation of the order dated 21.4.2025 shall remain in abeyance and consequently, any bailable warrant issued pursuant to the said order was also kept in abeyance.

4. While accused are in custody, the concerned police officer should be more pro-active and ensure that the accused should not remain in jail for want of instructions.

5. Considering the submissions of the APP, with the above observations, the order passed by this Court dated 21.4.2025 and the consequent order passed by the trial Court in Special Case No. 231/2024, issuing bailable warrant against the I.O. are recalled. Criminal Application Nos. 1960 and 1964 of 2025 are disposed of accordingly.

6. In Bail Application No. 2301/2024, heard the learned counsel for the applicant, the learned APP for the respondent-State and Mr. P.P. More, learned counsel assisting APP.

7. The applicant is seeking bail as he was arrested on 10.10.2023 in connection with Crime No. 543/2023, dated 30.8.2023 registered with Loni Police Station, District Ahmednagar for the offence punishable under sections 363, 366, 376(2)(N)(K), 342, 506 r/w. 34 of I.P.C. and sections 4, 6 and 8 of the Protection of Children From Sexual Offences Act, 2012.

8. Crime is registered on the basis of complaint filed by the father of the victim, that the victim was kidnapped. At the relevant time, the victim was of 16 years and 11 months old. On being traced, the victim has given statement under section 164 of Cr.P.C. and thereafter the case is registered for aforesaid offences against the applicant and other co-accused.

9. The alleged incident happened on 28.8.2023 and the statement of victim was recorded first time on 9.10.2023. In the statement of victim

under section 164 of Cr.P.C. it is stated that she was kidnapped by the other co-accused and uncle of the applicant. Thereafter, she was taken to one house and kept there for five days. Thereafter, she resided near a temple. The victim was taken to the relatives of the co-accused. She also resided there. The overall facts reveal that the victim was with the co-accused for more than one and half month. During this time, accused Sunil Barde had kept physical relationship with the victim. In the statement under section 164 of Cr.P.C., the victim has made allegation against the present applicant that when main accused Sunil Barde kept victim in the house of present applicant, the present applicant had also forceful sexual intercourse with her. The statements of the victim before the police and the Magistrate are slightly at variance. The applicant was arrested on 10.10.2023 and since then he is behind bars for the long period of time. The main accused Sunil Barde is released on regular bail by this Court vide order dated 18.7.2024. Chargesheet in the matter is already filed.

10. Considering that the applicant is behind bars for long period of time and there are consensual relations between the victim and the co-accused and on the request of father of the accused, crime is registered against various persons, the possibility of over implication of the applicant cannot be ruled out at this stage. Considering overall conspectus of the matter, I deem it appropriate to grant bail to the applicant.

11. In view of the above, the application is allowed in the following terms :

- a] The applicant shall be released on bail in connection with Crime No. 543/2023, dated 30.8.2023 registered with Loni Police Station,

District Ahmednagar for the offence punishable under sections 363, 366, 376(2)(N)(K), 342, 506 r/w. 34 of I.P.C. and sections 4, 6 and 8 of the Protection of Children From Sexual Offences Act, 2012, on furnishing PR bond of Rs.50,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant shall not enter village Pmmpri Lokai Shivar, Taluka Rahata, District Ahmednagar till the conclusion of the trial.

c] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

e] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

12. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

13. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

14. The High Court Legal Services Sub-Committee, Aurangabad do pay

the fees of Rs.10,000/- to the appointed counsel for respondent No. 2/victim.

15. Criminal Application No. 2301/2024 stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/