



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

26 BAIL APPLICATION NO.194 OF 2025

**RANJIT MANIK BHOSALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr.A.S.More
APP for Respondent-State : Mr.V.M.Jaware
Advocate for Respondent no.2 : Mr.Avinash Khedkar

...
CORAM : ARUN R. PEDNEKER, J.
DATE : 23.06.2025

P.C. :

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 is arrested on 12.08.2024 in connection with Crime No. I-313/2024, registered at Pundlik Nagar Police Station, Dist. Chh. Sambhajinagar, for the offence punishable under Sections 64, 65 (1), 74, 75 (1) (I), 76 of the Bharatiya Nyaya Sanhita, 2023 and under Section 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3] The case against the applicant is that the applicant had sexually molested the victim girl aged about 12 years and 11 months in the house of her aunt namely

Savitri. The applicant was working as Driver with Savitri Chakor and at night on 11.08.2024 the applicant and his wife had stayed in Savitri's house, so also, victim and her mother along with grand mother and grand-father were also staying in the same house. It is stated that on 11.08.2024, the victim had gone to drink water in the kitchen at the first floor, at that time, the applicant had molested her. As such, FIR is registered on 11.08.2024 by the grand mother of the victim. In her statement, she stated that at about 6.30 a.m. her grand-daughter had gone to drink water in the kitchen of first floor and when she came back, she was crying, then, all other family members asked her as to what happened, she informed that the applicant had molested her. However, she has not stated about attempt of sexual assault on her private parts. The FIR is registered on 11.08.2024. Thereafter, on 12.08.2024, statement of the mother of the victim was recorded and in her statement, she has mentioned about attempt to sexually assault the victim by the applicant and the said information was given to her by Ratnamala [maid]. Similar information was given to Doctor on 21.08.2024 by the victim. On 13.08.2024, supplementary statement of the complainant was recorded wherein she has stated about the attempt of sexual assault by the applicant. Thereafter, on 23.08.2024, the statement of the victim under section 183 of the BNSS was recorded and in the said statement, she has maintained her statement and stated about attempt of sexual assault on

her private part by the applicant. On 18.09.2024, the statements of Ratnamala and Savitri were recorded and they stated about the attempt of sexual assault upon the victim by the applicant.

4] The learned counsel for the applicant submits that the entire case is exaggerated by the informant and the witness subsequently after lodging of FIR and the applicant is arrested on 12.08.2024. The learned counsel for the applicant submits that on 11.08.2024, there was only allegation as regards molestation and there was no allegation as regards attempt of sexual assault by the applicant on the private parts of the victim. Thereafter, on 13.08.2024, the supplementary statement of informant was recorded and in the said statement, she stated about the attempt of sexual assault on the private part of the victim by the applicant. He further submits that on the same day i.e. on 11.08.2024, another FIR bearing No.314/2024, is registered by Savitri i.e. aunt of the victim against the wife of the present applicant regarding theft of golden ornaments of Rs.2,07,000/-. He further submits that in the present FIR, the offence under Section 64, 65 (1) of BNS and Section 12 of the POCSO has been added subsequently on the basis of supplementary statement given by the informant.

5] The learned APP, so also, the learned counsel

for the respondent no.2 submit that immediately on 12.08.2024, statement was made by the mother of the victim that there was attempt of sexual assault on the private part of the victim by the applicant, so also, the same statement is also made by the victim under Section 183 of BNSS. Considering the said fact and considering the age of the victim, the bail should not be granted in favour of the applicant.

6] Having considered the rival submission, it is to be seen that in the first statement of the informant on 11.08.2024, there is allegation of molestation but there is no reference as regards attempt of sexual assault on the private part of the victim by the applicant. On 11.08.2024, another FIR bearing No. 314/2024 is registered by Savitri, i.e. aunt of the victim, against the wife of the present applicant regarding theft of golden ornaments. It appears that at the relevant time there was theft in the house of the aunt of the victim where the victim was residing at the relevant time. The wife of the applicant is the suspect and the accused in the said FIR and thus possibility of stepping up the offence of molestation to sexual assault in the present FIR cannot be ruled out at this stage. The submission of the learned counsel for the applicant that this is an attempt to recover the gold ornaments from the applicant cannot be ruled out at this stage. The applicant is in custody from 08.12.2024 and the investigation is

complete. Considering the said fact, the application is allowed in the following terms :

- a] The applicant shall be released on bail in connection with Crime No. I-313/2024, registered at Pundlik Nagar Police Station, Dist. Chh. Sambhajinagar, for the offence punishable under Sections 64, 65 (1), 74, 75 (1) (I), 76 of the Bharatiya Nyaya Sanhita, 2023 and under Section 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.
- c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.
- d] 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.

e] 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.

7] 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. 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.

8] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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