



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

952 BAIL APPLICATION NO. 654 OF 2025

Ganesh Rambhau Shelke

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. M. P. Kale h/f Mr. Solanke Sharad S.

APP for Respondents-State: Mr. G. O. Wattamwar

Advocate for Respondent No.2 : Ms. Mayuri G. Kasturkar (Appointed)

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CORAM : ARUN R. PEDNEKER, J.

Dated : June 20, 2025.

PER COURT :-

1. Heard the 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. 19/2025, dated 18/01/2025, registered with Pathri Police Station, Tq. Pathri, District Parbhani, for the offences punishable under Sections 74, 75, and 3(5) of the *Bharatiya Nyaya Sanhita*, and under Section 12 of the *Protection of Children from Sexual Offences Act*.
3. The first information report was lodged by the uncle of the victim. Victim's statement is recorded by the police. According to her statement recorded on 18/01/2025, at around 11:50 a.m., the victim was walking to meet her friend when the applicant, Ganesh, came from behind on a motorcycle along with his friend Navnath. Navnath caught hold of her hand, forced her to sit on the motorcycle, and took her to a room in a field belonging to one Kamble. There, Navnath held her hand and asked her to remove her clothes. She refused. At that point, someone knocked on the

door. The applicant Ganesh opened the door, and co-accused Navnath ran away. Some people from the victim's community questioned Ganesh, but after some time, he too escaped. The people gathered there called the victim's uncle, who arrived at the spot, took the victim home, and the offence was then registered.

4. The learned Counsel for the applicant submits that *prima facie* the applicant, co-accused, and the victim belong to the same locality and know each other, and there is a possibility that they were together by consent. He submits that the General Diary Details of police station specifically mention that the mother was unwilling to file the complaint, but the uncle insisted on lodging it due to community differences between the parties. He further submits that no sexual assault was committed by the applicant, the maximum sentence under the POCSO Act is three years, and under the BNS, the maximum punishment is five years. He argues that the applicant is in jail since 05/02/2025 and charge-sheet is also filed, and therefore, continued custody is not required.

5. The learned APP points out that the victim has consistently maintained her statement before the police. The learned Counsel for the victim submits that if the applicant is released on bail, he may influence prosecution witnesses and threaten the victim.

6. *Prima facie*, the applicant's submission that there was consensual association cannot be ruled out, especially in view of the General Diary Details indicating the victim's mother was unwilling to lodge a complaint and that the same was filed at the instance of her uncle. Considering this aspect and the fact that investigation is complete, the applicant can be released on bail with stringent conditions. As for the apprehension of influencing witnesses, the victim is of equal standing in society, and appropriate directions can be issued restraining the applicant from any contact with the victim or informant.

7. In view of the above, the application is allowed on the following terms: -

- a) The applicant shall be released on bail in connection with FIR No. 19/2025, dated 18/01/2025, registered with Pathri Police Station, Tq. Pathri, District Parbhani, for the offences punishable under Sections 74, 75, and 3(5) of the *Bharatiya Nyaya Sanhita* and Section 12 of the *Protection of Children from Sexual Offences Act*, on furnishing a PR bond of Rs. 25,000/- with one or two sureties in the like amount, to the satisfaction of the trial Court.
- b) The applicant, upon release on bail, shall not contact the informant or the victim in any manner whatsoever during the pendency of the trial.
- c) The applicant shall cooperate with the trial Court and shall attend each and every date unless exempted by the trial Court.

- d) The applicant shall not tamper with the prosecution evidence and shall not influence the informant, witnesses, or any other persons connected with the case.
- e) Upon release on bail, the applicant shall provide his contact number and residential address to the trial Court and keep the Court informed of any changes.

8. Needless to say, in case of breach of any of the above conditions, the bail granted to the applicant shall be liable to be cancelled. It is clarified that the observations made herein are limited to the present bail application. The trial Court shall proceed further in the matter uninfluenced by any observations made in this order.

9. Ms. Mayuri G. Kasturkar, learned counsel appointed for respondent no.2 shall be paid fees of Rs.10,000/- by the High Court Legal Services Sub-committee, Aurangabad.

10. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.