



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

BAIL APPLICATION NO. 1450 OF 2025

MAHESH SURYABHAN BHAND
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Avinash N. Barhate Patil
APP for Respondent No.1 : Mr. V. M. Chate
Advocate for Respondent No.2 : Ms. Pooja K. Apache (appointed)
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 03-12-2025

PER COURT:-

1. The applicant is seeking regular bail in Crime No.0402 of 2024 registered with Rahata Police Station, District Ahilyanagar, dated 31.08.2024, for the offences punishable under Sections 74 of the Bharatiya Nyaya Sanhita, 2023 and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. The alleged incident is dated 21.08.2024, whereas, the same is reported on 22.11.2024 and in that connection the applicant is arrested on 01.04.2025.
3. Heard the learned counsel for the applicant and the learned A.P.P. for the State as well as the learned counsel for the complainant.
4. Learned counsel for the applicant submits that on account of civil dispute between the parties, the applicant is implicated in a

false criminal case. Since the gift deed is executed in favour of mother of the applicant by grandfather. The said transfer was objected by the complainant group. It is further submitted that the applicant was on his duty on the date of the alleged incident and falsely implicated in the alleged incident. It is further submitted that on the date of alleged incident, there was a holiday. As such, there was no occasion for the complainant to go the School.

5. Per contra, the learned A.P.P. has referred to the statement of the witness recorded on 12.04.2025, in relation to the alleged incident is dated 31.08.2024, after almost eight months from the date of incident, allegedly witnessed the incident.

6. Learned counsel for the respondent/complainant has opposed the application and contended that considering the seriousness of the offence, the applicant is not entitled to be released on bail.

7. There appears to be discord between the parties on account of land by way of gift deed in favour of mother of the applicant and objection to the same by the complainant group. Considering the fact that the applicant is 20 years old. The applicant was arrested on 01.04.2025, and eventually the chargesheet is filed on 31.08.2024.

8. In that view of the matter, a case is made out to release the applicant on bail.

9. Hence, the order;

ORDER

- (i) The bail application is allowed.
- (ii) Applicant Mahesh Suryabhan Bhand be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in Crime No.0402 of 2024 registered with Rahata Police Station, District Ahilyanagar, for the offences punishable under Sections 74 of the Bharatiya Nyaya Sanhita, 2023 and Section 8 of the Protection of Children from Sexual Offences Act, 2012, on the following conditions;
 - (a) The applicant shall not tamper with the prosecution witnesses in any mode.
 - (b) The applicant shall not enter the vicinity of Viladgaon, Taluka and District Ahilyanagar, unless it is required by the trial Court.
 - (c) The applicant shall attend the trial on each and every date unless exempted by the trial Court.
 - (d) In case breach of condition, the prosecution is at liberty to approach this Court seeking cancellation of bail.
- (iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad do pay the fees of the appointed counsel for respondent no.2/victim as per schedule.
- (iv) Needless to states that the observations rendered herein are confined to present application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH]
JUDGE