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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2653 OF 2025

Siddhesh Satish Ghone ... Applicant
V/s.
The State of Maharashtra and anr ... Respondents

Mr. Sachin Pawar, for the applicant.

Mrs. Kranti Hiwrale, APP for respondent No.1-State.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 8, 2025

P.C.:

1. This is a bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS). The applicant seeks regular bail in connection with Crime Register No. 302 of 2024 registered with Mangaon Police Station, Pune. The offences alleged are punishable under Sections 64(1), 115(2), 351(2), 351(3), and 329(3) of the Bharatiya Nyaya Sanhita, 2023 (BNS).
2. The case of the prosecution, in brief, is that in July 2024 the applicant entered the house of the complainant on the pretext of feeding goats. He then caught hold of the complainant, pulled her saree, pushed her to the ground, removed her blouse, and outraged her modesty before leaving the house.
3. In August 2024 the applicant again entered the house of the complainant, dragged her to the bedroom, and despite her

resistance, gagged her mouth and forcibly committed sexual intercourse. He then threatened her with dire consequences if she revealed the incident.

4. In September 2024 the applicant once again forcibly entered the complainant's house, committed rape, used physical force when she resisted, and gave threats not to disclose the incident. Out of fear, the complainant began staying at her friend's place. On Pitru Amavasya, when she was alone at home, the applicant again entered, dragged her into the bedroom, and committed sexual intercourse. Later, the complainant confided in her friend Sakhubai, her daughter-in-law, daughter, and son. However, they dismissed her version as hallucinations due to her old age.

5. On 19 December 2024 at about 10.00 a.m., when the complainant was washing clothes, the applicant entered her house through the back door, took her to the bedroom, threatened her, removed her clothes, and forcibly committed sexual intercourse. At that time three Adivasi women entered the house seeking water and saw the applicant committing the act. They called others from outside, and the applicant was caught. One woman helped the complainant to cover herself. Later, villagers, along with relatives including her nephew, were informed of the incident.

6. Learned counsel for the applicant relied on the FIR and the statements of two women witnesses. According to him, the complainant stated that one of these women helped her to cover her body, but in their recorded statements they only spoke of harassment and not forcible sexual intercourse. He pointed out

that though the first incident allegedly occurred in July 2024, no complaint was made until December 2024.

7. He argued that there are material inconsistencies between the statements of the complainant and the witnesses regarding the incident of 19 December 2024. While the complainant stated that the witnesses saw the applicant committing the act, the witnesses did not confirm the same. Further, the medical examination report does not support use of force or coercion. The applicant is only 18 years of age, and therefore he seeks release on bail.

8. On the other hand, the learned APP opposed the application. He submitted that the offences are grave, involving repeated acts of sexual assault. The medical report does not rule out sexual assault, and the final report is still awaited. Considering the seriousness of the allegations, he prayed for rejection of the application.

9. I have considered the rival submissions and perused the material on record. The allegations made by the complainant are indeed serious. However, while deciding bail, the Court has to see whether a prima facie case is made out, the consistency of the prosecution case, corroboration from medical or independent evidence, and whether continued custody of the accused is necessary.

10. The first incident is alleged to have occurred in July 2024, followed by incidents in August, September, and October. Despite these repeated allegations, no report was lodged until December 2024. The delay of nearly five months in lodging the FIR, though

not always fatal, does create doubt in the present case, especially as the complainant had family members and neighbours to whom she allegedly disclosed the incident.

11. The statements of two women witnesses recorded by the investigating agency do not support the claim of forcible sexual intercourse. They only refer to harassment. The complainant has specifically stated that these women entered the house during the alleged act of December 2024. However, their statements are silent on this material aspect. This creates material inconsistency between the version of the complainant and that of the witnesses.

12. The medical examination report also does not indicate any evidence of force or coercion. The report only states that sexual assault cannot be ruled out. Such an opinion, without corroborative medical findings, cannot by itself be sufficient to support the allegations of repeated forcible sexual intercourse.

13. The applicant is 18 years of age. He has no past criminal antecedents. The investigation is substantially completed and charge-sheet is likely to be filed. Therefore, his further custody is not required for the purpose of investigation.

14. It is settled law that at the stage of bail, the Court is not expected to go into a detailed appreciation of evidence. What is to be seen is whether there are reasonable grounds to believe that the applicant is guilty of the alleged offences and whether his further detention is necessary. On overall consideration of the material placed on record, this Court finds that inconsistencies in the statements of the witnesses, delay in lodging the FIR, and absence

of supporting medical evidence weigh in favour of the applicant.

15. In such circumstances, this Court is of the view that the applicant deserves to be enlarged on bail with strict conditions to ensure that he does not tamper with the evidence or influence the witnesses.

16. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with C. R. No. 302 of 2024, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:
 - (a) The applicant shall not tamper with evidence or attempt to influence, threaten, or intimidate any witness.
 - (b) The applicant shall report to the Mangaon Police Station once in three month, specifically on the 1st day, between 10:00 a.m. and 12:00 noon, until further orders.
 - (c) The applicant shall not leave the territorial jurisdiction of the Trial Court without its prior written permission.
 - (d) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.
 - (e) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to

the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

(f) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

17. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)