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

**BAIL APPLICATION NO. 1617 OF 2026**

SANJAY YOSEPH PANDIT
*Versus*
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Rahul R. Karpe, Advocate for Applicant
Mr. V. K. Kotecha, APP for Respondent – State
Ms. Aarti Taterao Gadge, Advocate for Respondent No.2 (Appointed)

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**CORAM : HITEN S. VENEGAVKAR, J.**

**DATED : 23rd OCTOBER, 2026**

**PER COURT :**

1. Heard the learned Advocate for the applicant and the learned APP as well as learned Advocate appointed for respondent No.2 victim.

2. The present application seeks regular bail in connection with FIR bearing No.322 of 2026, lodged on 29.06.2026 with Loni Police Station, Dist. Ahilyanagar, for the offences punishable under Section 74, 75(2), 351(2), 352 of Bharatiya Nyaya Sanhita and under Sections 8, 11, 12 of POCSO Act.

3. Learned Advocate for the applicant submits that, applicant came to be arrested on 29.06.2026 and since then he is lingering in jail. Learned Advocate submits that, the applicant is 59 years of age and was holding the position of a religious priest.

There is possibility that the applicant is falsely implicated. As far as merits are concerned, he argues that the incident is alleged to be a single incident, of which none of the sections that has been attracted in the FIR are satisfied. He submits that maximum punishment is five years and the applicant has already been in jail since 29.06.2026. He submits that the investigation is complete and there is no necessity of any custodial interrogation. The prosecution case is that on the date of incident, the victim and her friends were playing in the surrounding ground of the church where the present applicant resides. The victim is 9 years of age. There is a specific allegation that the present applicant called the victim and then took her in one corner and thereafter kissed her on the lips and also touched her private parts. Upon the hue and cry, which was raised by the victim due to the said incident, the applicant immediately permitted her to leave. The prosecution case also suggests that all the friends, who were playing in the ground ran towards the place where the victim was being harassed by the applicant. The incident was narrated to the parents of the victim, and therefore, the present offence came to be registered. Though there are averments mentioning that the parents along with the persons of the locality had gone to the church and confronted the present applicant, where the present applicant accepted the offence, at this stage, I do not want to get into the

averments made pertaining to the scene.

4. However, the fact remains that the present applicant is specifically named and there are allegations leveled against the present applicant by the victim herself, stating that, her private parts were touched by the present applicant and that there was a physical touch established by the present applicant which amounted to violation of section 7, that is the definition of sexual assault. Thus, Section 8 is attracted. Therefore, prima facie, it cannot be said that the offence under Section 8 is not committed.

5. Taking into consideration the statement recorded of the victim, who is 9 years of age and the specific allegation and role attributed by the minor to the present applicant, I am of the opinion that, the applicant does not deserve to be released on bail.

6. The application stands dismissed.

7. Advocate Ms. Aarti Taterao Gadge is appointed to represent cause of respondent No.2. Hence, the Secretary, High Court Legal Services Sub-Committee, Aurangabad is requested to pay fees of appointed Advocate as per rules.

**(HITEN S. VENEGAVKAR)**
**JUDGE**

*Tandale*