IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 BAIL APPLICATION NO. 1962 OF 2026

Jagdish Alias Jagesh Dilip Vasave
VERSUS
The State Of Maharashtra And Another
.....
Mr. Savale Amit S, Advocate for Applicant
Mr. S. V. Hange, APP for Respondent No.1 – State
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CORAM : HITEN S. VENEGAVKAR, J.
DATE : 30.10.2026

PER COURT :

1. Heard the learned Advocate for the applicant and learned APP for the respondent – State. The record indicates that the notices issued by this Court have been duly served upon Respondent No.2. A report to that effect is filed before this Court. Despite service, none appears on behalf of Respondent No.2, nor is any elder member of the informant's family present before the Court. However, considering that the applicant is 20 years of age and his lingering in custody since 12.06.2026, I have proceeded to hear the learned Advocate for the applicant and the learned APP for the respondent - State. With their assistance, I have perused the copy of charge-sheet.

2. The present application seeks regular bail for the Applicant, who was arrested on 12.06.2026 in connection with Crime No.184/2026 registered with Dhadgaon Police Station, District Nandurbar, for the offences punishable under Sections 64(1), 64(2)(f), 65(1), 137(2) and 351(2) of the Bharatiya Nyaya Sanhita, 2023

and Sections 4 and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012. The victim was aged 14 years and 6 months at the time of the commission of the offence, whereas the Applicant was 20 years of age at the relevant time.

3. It is the case of the prosecution that on 10.05.2026, the husband of the informant's maternal aunt, namely, Suresh Tadvi, came to her house and took her with him for the purpose of supervising the construction work of his house in his village. It is alleged that, on 11.05.2026, the informant became acquainted with the nephew of the said Suresh Tadvi, who is the present applicant. On the same day, at about 7:00 p.m., the applicant (nephew) allegedly took the informant on his motorcycle to a place outside the said village. It is further alleged that he expressed his love for her and thereafter forcibly committed sexual intercourse with the informant against her will. The applicant is also alleged to have threatened to kill her family members if she disclosed the incident to anybody. It is further alleged that the informant was taken from the said place to village Akkalkuwa and thereafter to village Wadshil, where she resided with the applicant for three days. During that period, the applicant allegedly repeatedly committed forcible sexual intercourse with her. Subsequently, she was dropped at village Tengla, from where Suresh Tadvi took her back to her house at village Bedakund. Thereafter, the informant narrated the incident to her parents, who lodged the present FIR. The investigation commenced pursuant to the registration of the FIR, during which the statements of witnesses were recorded and the medical examination of the informant was conducted.

4. The learned Advocate appearing for the applicant submits that the prosecution story itself suggests that the informant, who was 14 years and 6 months old at the time of alleged offence, had been moving from place to place with the applicant for about 3 to 4 days. During this period, she had opportunities to disclose the alleged incident to several persons, as she was not confined to any particular place. He further submits that the conduct of the informant in accompanying with the applicant demonstrates that they were in a love affair and intended to get married. He then refers to the prosecution case and submits that the applicant had taken the informant to his house and expressed his desire to marry her before his parents. However, as the applicant's parents opposed the marriage, the informant was taken back to her residence. According to him, there was no intention on the part of the applicant to commit any offence and, merely because the marriage could not be performed, the present FIR came to be lodged, resulting in the false implication of the applicant. He further relies upon the statement of witness, Suresh Tadvi, who has stated that, he had contacted the applicant's sister, and that she informed him that the applicant and the informant had visited her house and stayed there. This aspect is completely absent from the prosecution story as well as from the FIR, which, according to him, raises a serious doubt regarding the truthfulness of the prosecution case. He also refers to the medical certificate and points out that it records that no hymenal tear was observed during the physical examination of the informant. According to him, this circumstance also creates doubt regarding the prosecution case and raises a question as to whether the alleged incident had actually taken place.

5. The learned APP, however, vehemently opposed the application by submitting that the victim is a minor and that the offence has been reported by the minor herself, who has clearly narrated the role attributed to the present applicant. He submits that the allegations against the applicant are serious in nature. He, therefore, contends that the application does not merit consideration and deserves to be dismissed.

6. I have considered the arguments advanced by both the learned Advocates. I have also perused the charge-sheet and the statements of the witnesses recorded during the course of the investigation. The prosecution has examined, in all, four witnesses, namely, the informant, her parents, and Suresh Tadvi, who had taken the informant to his village for the purpose of supervising the construction work of his house. The statement of Suresh Tadvi states that upon making inquiry in the village, he came to know that the applicant and the victim had proceeded on a motorcycle to a neighbouring village where the sister of the applicant was residing. The statement does not show that the inquiries made by him with the local persons revealed that the informant was forcibly made to sit on the motorcycle or that she was raising any hue and cry while leaving the village of the said Suresh Tadvi. Secondly, the submissions advanced by the learned Advocate for the applicant appear to have some substance when he points out that the prosecution story does not disclose that the applicant had taken the informant to his sister's house in the neighbouring village. Another glaring aspect of the present case relates to the medical evidence and the physical examination of the informant. The findings recorded by the doctor during the physical examination of

the informant clearly indicate that there was no hymenal tear, which raises doubt about the prosecution case. In any event, all these circumstances suggest that the prosecution is required to lead evidence to establish its case against the present applicant. In any event, on the basis of the material placed on record in the charge-sheet as of today, I do not find any justifiable reason to continue the present applicant in custody. Hence, the following order :

ORDER

[I] Bail Application is allowed.

[II] The Applicant, Crime No. 184/2026 registered with Dhadgaon Police Station, District Nandurbar, for the offences punishable under Sections 64(1), 64(2)(f), 65(1), 137(2) and 351(2) of the Bharatiya Nyaya Sanhita and Sections 4 and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, be released on bail on furnishing personal bond of Rs.50,000/- [Rupees Fifty Thousand Only] with one or two sureties in the like amount, subject to the following conditions :

a) The applicant shall attend the trial Court on every date fixed, unless his attendance is specifically exempted.

b) The applicant shall not, directly or indirectly, contact, threaten, induce or influence the informant, victim or any prosecution witness and shall not tamper with the prosecution evidence.

c) The applicant shall furnish his current residential addresses and mobile numbers to the Investigating Officer and the trial Court within seven days of release, intimate any change forthwith, and attend the Investigating Officer upon prior written notice if further investigation is required.

d) The applicant shall not leave India without prior permission of the trial Court and, if he possess passports, shall deposit the same with the trial Court within seven days of his release.

e) The applicant shall not involve himself in any offence of a similar nature while on bail.

f) Breach of any of the above conditions shall entitle the prosecution to apply for cancellation of bail.

[III] All observations in this order are prima facie and confined to the decision of this bail application. The learned Trial Court shall decide the case independently on the evidence led before it.

[IV] The Bail Application is disposed of in the above terms.

[HITEN S. VENEGAVKAR, J.]

Sameer/Oct-2026