



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

BAIL APPLICATION NO.1431 OF 2025

Subsingh Mannalal Muchal ... APPLICANT

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

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Mr. A.K. Bhosle, Advocate for applicant

Mr. A.R. Kale, A.P.P. for respondent No.1 – State

Ms Deepali S. Patil, Advocate for respondent No.2 (appointed)

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 3rd FEBRUARY, 2026

PER COURT :

1. By this application, the applicant seeks release on regular bail in connection with Special Case No.72/2025, pending before the learned Extra. Jt. Additional Sessions Judge, Nanded arising out of Crime No.77/2025, registered with Vimantal Police Station, District Nanded for the offences punishable under Sections 8, 10 and 12 of the Protection of Children from Sexual Offences Act and Section 75 of the Juvenile Justice (Care and Protection of

Children) Act.

2. The prosecution case is that, on 6/3/2025 at about 2.30 p.m., when the informant along with her brother had taken her mother-in-law to hospital, she received a phone call from the Varsha Lahoti Madam from the school of her son and called her. When she reached at the school, her son and Varsha Lahoti Madam and sister were present there. Her son told her that at about 1.00 p.m., the Peon badly touched him and has touched his cheek and saying so, he was crying loudly. When questioned about as to what exactly happened, he was not in a position to say anything. Thereupon, when Sister asked as to what happened, he told that, at about 1.00 p.m., when he was in Sports Store Room, the Peon touched his cheek and tried to kiss and touched his private part. Thereafter upon examination of CCTV footage, it was seen that, her son was taken in Sports Room with bad intention and touched his cheek and kissed and touched his private part. On asking the name of Peon, the name of present applicant was revealed.

3. Learned counsel for the applicant submits that, the applicant has been falsely implicated in the present case. The

maximum punishment for the offence with which the applicant has been charged, is five years, as such, prayed to allow the application.

4. Per contra, learned A.P.P. vehemently opposed the application submitting that the applicant is indulged in a serious offence, which disentitles him for getting bail. Learned A.P.P. further submits that, if the applicant is released on bail, he will pressurize the victim and the witnesses. As such, prayed to reject the application.

5. Having heard the respective counsel for both the sides and upon perusal of the record including Charge Sheet, indicates that there is no eye witness to the alleged incident. The arrest of the applicant has been effected solely on the basis of CCTV footage obtained by the investigating agency. Veracity of the same would be subject matter of trial.

6. Furthermore, the allegations, even if taken at the face value, are punishable for not more than 5 years imprisonment only. Since the applicant is in custody for more than 10 months from the date of his arrest i.e. 6/3/2025, and considering the number of

witnesses which the prosecution seeks to examine, the trial is unlikely to conclude within a reasonable period. As such, further incarceration of the applicant as an undertrial prisoner is unjustified. The apprehension of learned A.P.P. can be taken care of by imposing stringent condition upon the applicant.

7. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Subsingh Mannalal Muchal be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in the above crime, on the conditions that :
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) The applicant shall remain present on each date, unless exempted by the trial Court.
- (iii) The applicant shall not enter the jurisdiction of Nanded city except for the dates of attending the trial, till conclusion of the trial.

- (iv) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall not be influenced by the same.
- (v) The High Court Legal Services Sub-Committee, Aurangabad to pay the fees of the appointed learned counsel on behalf of respondent No.2, as per rules.

(SACHIN S. DESHMUKH, J.)

fmp/-