



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

BAIL APPLICATION NO. 1595 OF 2025

BARKYA @ ASHOK MANGA MORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Sambhaji S. Wakure
Advocate for Respondent No.1 : Mr. G. O. Wattamwar
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 02-02-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.0341 of 2023 dated 11.08.2023, registered with Parola Police Station, District Jalgaon, for the offences punishable under Sections 376(3), 307, 354, 323 read with Section 34 of the Indian Penal Code and Sections 4, 8, 10 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012. In the said crime, the applicant was arrested on 11.08.2023. After completion of the investigation, the chargesheet is filed.

2. The prosecution case is that on 10.08.2023 at about 4.00 p.m., when the informant alongwith his friend went to his house for watering cattle fodder, saw his mother, sister/victim and the applicant herein were sitting in the room. Thereafter, at about 5.00 to 5.30 pm, he saw the victim coming from the river end to

his house. The victim was crying and had a bleeding injury on her head. On questioning, the victim informed that the applicant committed forcible sexual assault and while opposing the act, the applicant assaulted the victim on head with stone and also tried to throttle by using small rope. Resultantly, the victim became unconscious and, thereafter, returned back to home. Subsequently, the victim was shifted to the Government Hospital. Hence, the first information report lodged.

3. Learned counsel for the applicant submits that the applicant is falsely implicated in the offence. The alleged incident had taken place in the year 2023 and till today the trial has not been commenced. The applicant is in jail for almost more than two years. The investigation is complete. The chargesheet is filed. Hence, prayed to allow the application.

4. Per contra, learned APP vehemently opposed the application submitting that the offence is serious in nature. The applicant had subjected the victim, who is minor, to the forcible sexual assault. After committing assault, the applicant tried to kill the victim. There is substantial evidence on record indicating complicity of the present applicant in the offence. If applicant is enlarged on bail, there is every possibility of tampering the prosecution evidence. As such, prayed to reject the application.

5. Upon considering the submissions of both the sides and perusing the material on record, including the chargesheet, it is evident that the victim is 14 years old. The allegation against the present applicant is about committing forcible sexual assault on a minor girl. Perusal of record *prima facie* indicates that the victim is minor and was not of consenting age for sexual relation. On the other hand, the Applicant is of considerable age i.e. 22 years.

6. Perusal of record *prima facie* indicates that the medico-legal examination report supports the case of prosecution. Therefore, it could be *prima facie* said that there is sufficient evidence to indicate complicity of the Applicant in the offence.

7. The Honourable Apex Court, in the case of ***Mahipal Vs. Rajesh Kumar and Ors. (AIR 2020 SC 670)***, has laid down the principle that bail can be refused when the material produced by prosecution establishes a clear *prima facie* case. The Court should not conduct a mini-trial; it should only examine whether the available evidence links the accused to the alleged offence.

8. Equally, the Honourable Apex Court, in the case of ***State of UP through CBI vs. Amaramani Tripathi [(2005)8 SCC 21]***, has held that the Court must evaluate the *prima facie* evidence indicating the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused. As stated

earlier, the prosecution has collected overwhelming evidence against the present applicant.

9. Similarly, the Honourable Apex Court, in the case of ***Pralhad Singh Bhati Vs. NCT, Delhi, [(2001) 4 SCC 280]***, held that on satisfaction of prima facie evidence establishing the guilt of the accused, the bail can be denied.

10. In view of the aforesaid observations and having regard to the gravity of the offence, the Applicant is not entitled for release on bail, as this is not a fit case to exercise discretion in favour of the Applicant. As such, I do not find merit in the present applicant and accordingly, the same stands rejected.

11. Needless to state that, nothing stated hereinabove shall be construed as an expression on merits of the case. Learned Trial court shall proceed independently and uninfluenced by the observations made hereinabove.

[SACHIN S. DESHMUKH]
JUDGE

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