



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1748 OF 2025

SUHAS SHRIHARI MUNDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Balasaheb Saheb Choure
APP for Respondents-State : Mr. S. D. Ghayal
Advocate for Respondent No. 2 : Ms. Smita Chole (Appointed)

CORAM : Sachin S, Deshmukh, J.

Dated : 12th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 31.05.2025 bearing Crime No. 191 of 2025 registered with Dharur Police Station, Dist. Beed for the offences punishable under Sections 65(1) and 74 of Bharatiya Nyaya Sanhita, 2023, Sections 4, 6, 8 and 12 of Protection of Children from Sexual Offences Act, 2012 and Sections 9, 10 and 11 of Prohibition of Child Marriage Act.

2. The case of the prosecution is that a victim resides with mother and two brothers. Victim's maternal aunt and uncle had traveled to Karnataka State for cane cutting where the victim accompanied them. At that time, the accused individuals were

also present for the cane cutting work.

3. The further case of the prosecution is that during that period, applicant's sister, Sukshala, proposed that the victim to marry her brother i.e. applicant. After the harvest season concluded, the victim returned to home in Pardi Taluka, Kinwat. Sukshala maintained contact with victim and reiterated the marriage proposal. Over time, Sukshala developed a close relationship with the victim's mother.

4. It is further alleged that prior to the filing of the FIR, the victim, her mother, and her brothers visited Sukshala in her village. Following discussions between her mother and Sukshala, the marriage to the accused, Suhas, was finalized. The ceremony was performed that same day, after which the victim moved into Suhas's home to begin their married life. During that period, sexual relations were developed between victim and applicant. Allegedly, sometime applicant initiated sexual relations forcibly with victim.

5. The learned counsel for the applicant submits that the victim was conscious of the consequences of being in a relationship with the accused, which resulted into marriage.

Nothing remains to be recovered at the applicant's instance. Investigation is complete and the charge-sheet is filed. Hence, it is prayed that the application be allowed.

6. The learned APP has vehemently opposed the application, submitting that these accused have sexually exploited the victim. The offence is serious in nature. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence. As such, it is prayed that the application be rejected.

7. Considering the submissions of both sides and perusing the material on record, including the charge sheet, it is a matter of record that the mother of the victim and the sister of the accused were well-acquainted with each other. The record further indicates that the marriage of victim with the applicant was arranged by her own mother and was solemnized in the presence of her mother, siblings, and other relatives. Following this marriage, the victim accompanied the applicant to his residence alongwith accused.

8. Resultantly, a prima facie case is established that the relationship was marital in nature, initiated and approved by the

victim's own family. In such circumstances, the allegations of force or coercion on the part of the applicant prima facie appear unsubstantiated at this stage.

9. As such, the conduct of the victim indicates conscious participation in the act. Moreover, there is considerable delay in lodging the FIR. Consequently, at this stage, the allegations of force appear unsubstantiated, indicating the case of over-implication.

10. Nevertheless, the investigation is complete for all intent and purposes. Resultantly, the chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further detention of the applicant as an under trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable.

11. Keeping in view the peculiar facts and circumstances of the case, the applicant's right to liberty needs to be upheld by imposing stringent conditions. The learned APP's apprehension about tampering with the prosecution evidence can be

adequately taken care of by imposing certain stringent conditions. In that view of the matter, the applicant deserves to be released on bail.

12. The High Court Legal Services Sub-Committee, High Court Bench at Aurangabad, to pay the fees to the learned counsel appointed on behalf of respondent No. 2, as per rules.

13. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Suhas Shrihari Munde be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 191 of 2025 registered with Dharur Police Station, Dist. Beed for the offences punishable under Sections 65(1) and 74 of Bharatiya Nyaya Sanhita, 2023, Sections 4, 6, 8 and 12 of Protection of Children from Sexual Offences Act, 2012 and Sections 9, 10 and 11 of Prohibition of Child Marriage Act, on the following conditions :-
 - (a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (b) The Applicant shall not pressurize the prosecution

witnesses and shall not tamper with the prosecution evidence, in any manner.

- (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(Sachin S, Deshmukh, J.)

Omkar Joshi