



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1755 OF 2025

Girdhar Sudam Surase

....Applicant

VERSUS

The State of Maharashtra & another

.....Respondents

Mr. S. G. Bobade, Advocate for Applicant.

Mr. C. V. Bhadane, APP for the State.

Ms. S. R. Chole (Kendre), Advocate for Respondent No. 2.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 16th JANUARY, 2026.

PER COURT :

1. The Applicant seeks regular bail in connection with Crime No. 367/2024 registered with Karmad Police Station, Dist. Chhatrapati Sambhajnagar Rural, for the offences punishable under Sections 109, 118(1), 74, 115(2), 352, 351(2), 351(3), 189(1), 189(2), 191(2), 190, 191(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 8, 12 of Protection of Children from Sexual Offences Act.

2. Case of the prosecution is that on 29.08.2024 at about 9.00 pm, co-accused came to the house of the informant and abused him. Being annoyed with the complaint lodged by the informant against the father of co-accused, they beat him with the help of an axe and

wooden stick. On 28.08.2024, the present Applicant allegedly entered the house of the informant and sexually assaulted the victim, who is a minor girl. Other co-accused gave blow of axe and wooden sticks on the forehead of the informant and abused him. On the basis of these allegations, First Information Report came to be registered.

3. Learned Counsel for the Applicant submits that this is a case of over implication. There is delay in lodging of First Information Report which is not explained. Furthermore, there are discrepancies in the First Information Report and the statement of the victim. No incriminating evidence against the present Applicant is coming on record. The investigation is complete, charge-sheet has been filed and nothing further remains to be recovered from the Applicant. Hence, prayed to allow the Application.

4. Per contra, learned APP vehemently opposed the Application citing seriousness of the crime. It is contended that the Applicant forcibly subjected the victim to sexual exploitation. It is further contended that looking to the age of the victim, the act committed by the Applicant does not warrant any consideration. An apprehension

is also expressed that if the Applicant is enlarged on bail there is every possibility of he tampering with the prosecution evidence. Hence, prayed to reject the Application.

5. Upon considering the submissions of both the sides and perusing the material on record including the charge-sheet, *prima facie* it is evident that there are material discrepancies in the First Information Report and the statement of the victim, wherein there is substantial improvement, as such, it appears to be a case of over implication. The record further indicates that there is unexplained delay in lodging the First Information Report.

6. Equally, the truthfulness of the said incident is an aspect of trial and no *prima facie* observation with regard to reliability can be made at this juncture. At the most, the alleged act is punishable with imprisonment upto 5 years under the Act. The Applicant is an old age person of 52 years and has been in custody for the past 1 year. Hence, his further incarceration is not warranted.

7. Considering the fact that the charge-sheet is filed, investigation is complete for all intent and purposes, no fruitful purpose would be

served by further incarcerating the Applicant. The apprehension expressed by learned APP and learned Counsel for the victim can be adequately safeguarded by imposing stringent conditions upon the Applicant.

8. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant, Girdhar Sudam Surase, be released on bail, on furnishing P.R. bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with Crime No. 367/2024 registered with Karmad Police Station, Dist. Chhatrapati Sambhajinagar Rural, for the offences punishable under Sections 109, 118(1), 74, 115(2), 352, 351(2), 351(3), 189(1), 189(2), 191(2), 190, 191(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 8, 12 of Protection of Children from Sexual Offences Act, on the following conditions :-

- (a) The Applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

(b) The Applicant shall attend the trial on each and every date unless exempted by the Trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.

(c) The Applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers of the 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 state that the observations rendered herein-above are to the extent of this Application and the Trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)