



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

935 BAIL APPLICATION NO. 1827 OF 2025

Rajendra Alias Raju Damu

Alias Damla Rathod

....Applicant

VERSUS

The State of Maharashtra & another

.....Respondents

Mr. S. S. Jadhav, along with Mr. K. P. Rathod and Mr. N. P. Chudiwal,
Advocates for Applicant.

Mr. D. B. Bhange, APP for the State.

Ms. A. S. Madake, Advocate (appointed) for Respondent No. 2.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 17th FEBRUARY, 2026.

PER COURT :

1. Learned Counsel Ms. Madake is appointed to represent
Respondent No. 2.

2. Applicant seeks regular bail in connection with Crime No.
85/2025 registered with Naldurg Police Station, Dist. Dharashiv, for
the offences punishable under Sections 137(2), 115(2), 64(2)(M),
65(1), 3(5) of Bharatiya Nyaya Sanhita, 2023, sections 4, 6 and 17 of
Protection of Children from Sexual Offences Act and sections 3(1)(w)
(i)(ii) and 3(2)(v) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

3. The case of prosecution is that on 12.03.2025 at about 10.00 informant along with the victim and family members were sleeping in a room. On 13.03.2025 at about 4.00 am when the informant could not find the victim in the room, asked his wife to search for the victim. When the victim could not be traced out, the informant went to the house of the Applicant, his nephew informed that the Applicant is not in the house since 3.00 am. On the basis of these allegations, the First Information Report came to be lodged.

4. Learned Counsel for the Applicant submits that the Applicant is falsely involved in the alleged crime. Applicant is arraigned in the crime on the basis of suspicion. There is unexplained delay in lodging the First Information Report. The statements of the victim suffer from material variances on the point of sexual assault. She also does not maintain version in relation to the occurrence of the incident. Further, medical examination report does not support the case of the prosecution. Applicant is arrested on 12.06.2025. Investigation in the crime is complete and charge-sheet is filed. Hence, prayed to allow the application.

5. Per contra, learned APP and learned Counsel for the informant, vehemently opposed the application citing serious nature of crime. It is submitted that the Applicant is indulged in serious crime of victimising a minor girl. An apprehension is also expressed that if the Applicant is enlarged on bail, there is every possibility of tampering with prosecution evidence. Hence, prayed to reject the application.

6. Upon considering submissions of both sides and on perusal of the record, including charge-sheet, it is prima facie evident that the Applicant is arraigned as accused only on the ground of suspicion. Prima facie, there is no incriminating material to indicate complicity of the Applicant in the crime. Even prima facie, the medical examination report does not support the case of the prosecution, so also, the statements of the victim suffer from material variance.

7. Nevertheless, investigation in the crime is complete for all purpose and intent. Resultantly, charge-sheet is filed. The Applicant is arrested on 12.06.2025. Having regard to the number of witnesses prosecution seeks to examine, the trial is not likely to be concluded

within a reasonable period. In the event of material variances in the statement of victim and absence of medical examination report supporting the case of the prosecution, further incarceration of the Applicant is unjustified. Hence, I am inclined to exercise discretion in favour of the Applicant.

8. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Rajendra Alias Raju Damu Alias Damla Rathod, 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. 85/2025 registered with Naldurg Police Station, Dist. Dharashiv, for the offences punishable under Sections 137(2), 115(2), 64(2)(M), 65(1), 3(5) of Bharatiya Nyaya Sanhita, 2023, sections 4, 6 and 17 of Protection of Children from Sexual Offences Act and sections 3(1)(w)(i)(ii) and 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) 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 concerned Court seeking cancellation of bail.

(iii) 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.

(iv) The High Court Legal Services Sub-Committee, Aurangabad, to pay fees of learned Counsel appointed for Respondent No. 2 as per rules.

(SACHIN S. DESHMUKH, J.)