



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2012 OF 2025

JAYDEEP ALIAS AMAR CHANDRAKANT SHINGARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Sanjay A. Wakure
APP for Respondents-State : Mr. A. R. Kale
Advocate for Respondent No. 2 : Mr. A. D. Patil

WITH

BAIL APPLICATION NO. 1899 OF 2025

OMKAR @ PRALHAD DIPAK SHINGARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Vivekanand B. Deshmukh
APP for Respondents-State : Mr. A. R. Kale
Advocate for Respondent No. 2 : Mr. A. D. Patil

CORAM : SACHIN S. DESHMUKH, J.

Date : 27th January, 2026

ORDER :-

1. The applicants has approached this Court seeking regular bail in connection with FIR dated 23.06.2025 bearing Crime No. 187 of 2025 registered with Dhoki Police Station, Dist. Dharashiv for the offences punishable under Sections 64, 64(2) (m), 64(2)(i), 65(1), 70(1), 351(2), 351(3) of the Bharatiya Nyaya

Sanhita, 2023 alongwith Sections 4, 5(g), 5(l), 6 and 8 of the Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that at the time of the alleged offence, the victim was a minor. The victim and the accused, Pralhad Shingare (accused No. 1), Amar Shingare (accused No. 2) and Karan Shingare (accused No. 3), all reside in the same village. The victim first came into contact with accused No. 1 on 29.04.2025, after which they began communicating through digital chats.

3. It is further alleged that accused No. 1 committed sexual intercourse with the victim under the promise of marriage. Subsequently, in the mid-night of 16.06.2025, accused No. 1 and accused No. 2 arrived at the victim's residence and took her to a temporary shed located near the village. At that location, both accused No. 1 and accused No. 2 allegedly committed the act of rape upon the victim.

4. The prosecution further alleged that accused No. 3 was also present at the site of the offence, where he performed the role of a lookout by keeping watch. Following the incident, accused No.

1 escorted the victim back to her home. The FIR regarding these occurrences was eventually lodged on 23.06.2025.

5. The learned counsel for the applicants submits that the accused Pralhad Shingare and Jaydeep have been falsely implicated in the present case and are innocent of the alleged offences. The prosecution's case is built upon a delayed narrative, as the alleged incident occurred on 16.06.2025, yet the FIR was not lodged until 23.06.2025. Regarding the accused Jaydeep, it is submitted that his role is based on alleged presence, without substantial corroboration. As the investigation is complete, the charge-sheet has been filed, and nothing further remains to be recovered from the applicants, it is prayed that the applicants be admitted to bail.

6. The learned APP for the State and the learned counsel appointed on behalf of respondent No. 2 vehemently opposed the application, submitting that the applicants are indulged in serious offences. The conduct of applicants disentitle from claiming bail. Considering the serious nature of these offences, it is contended that the applicants' release on bail would create a significant risk of tampering with evidence. Consequently, the learned APP and the learned counsel for respondent No. 2 pray for the application to be rejected.

7. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, it is prima facie evident that the last alleged incident occurred on 16.06.2025, yet the FIR was not filed until 23.06.2025. This seven-day delay, in the absence of a prima facie justifiable explanation, raises the possibility of case of over-implication.

8. Moreover, the Medico Legal Certificate (MLC), prima facie, does not support the case of prosecution. It is settled position that prolonged pre-trial incarceration should not be used as a form of punishment before the guilt of the accused is established beyond reasonable doubt.

9. Apart from the aforesaid aspect, the investigation is complete for all intent and purpose, resultantly, the charge-sheet is filed. Having regard to the number of the witnesses, which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period.

10. As such, further incarceration of the applicants as an under-trial prisoner, in the circumstances of the case, does not

seem to be either warranted or justified. I am, therefore, persuaded to exercise the discretion in favour of the applicants.

11. Keeping in view the peculiar facts and circumstances of the case, the applicants' 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 stringent conditions. In that view of the matter, the applicants deserve to be released on bail.

12. Resultantly, following order is passed :-

ORDER

- (I) Applications are **allowed**.
- (II) Applicants – **Omkar @ Pralhad Dipak Shingare** and **Jaydeep @ Amar Chandrakant Shingare** 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. 187 of 2025 registered with Dhoki Police Station, Dist. Dharashiv for the offences punishable under Sections 64, 64(2)(m), 64(2)(i), 65(1), 70(1), 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 alongwith Sections 4, 5(g), 5(l), 6 and 8 of the Protection of Children from Sexual Offences Act, 2012, on the following conditions :-

- (a) The applicants shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (b) The applicants shall not enter into village Khamgaon, Tq. Dist. Dharashiv, till conclusion of the trial.
 - (c) The Applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (d) The applicants shall submit their Aadhar or Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.
 - (e) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to move to the concerned 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.)