



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1949 OF 2025

PRAHLAD DAMU CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Nilesh S. Ghanekar
APP for Respondent-State : Mr. A. R. Kale
Advocate for Respondent No. 2 : Ms. Sultana R. Khan (Appointed)

CORAM : SACHIN S. DESHMUKH, J.

Date : 27th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 15.03.2023 bearing Crime No. 38 of 2023 registered with Devgaon Rangari Police Station, Dist. Chhatrapati Sambhajnagar for the offences punishable under Sections 376(2)(1)(J), 376(20(N), 376(3), 506 of the Indian Penal Code alongwith Sections 5(J)(2)(L) and 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i) (ii), 3(2)(V-A) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The prosecution alleges that between December 2022 and January 2023, the accused forcibly intercepted a 15-year-old

victim while she was delivering lunch to her brother. The accused allegedly compelled her into a sugarcane field and committed forced sexual intercourse by threatening to kill her mother and brother. These acts were reportedly repeated over the following two days. On 13.03.2023, the victim experienced severe abdominal pain. Upon being taken by her brother to a physician in Kasoda, Tq. Erandol, Dist. Jalgaon, it was revealed that the victim was three months pregnant. Consequently, the victim registered a FIR on 15.03.2023.

3. The learned counsel for the applicant submits that the alleged incidents occurred between December 2022 and January 2023, yet the FIR was lodged on 15.03.2023. The delay of over two months remains unexplained and raises a strong suspicion of an afterthought and false implication. It is further submitted that the victim failed to disclose the alleged acts to her mother or brother at the time of the incident. He further submitted that victim and applicant is having material match in age and the victim was well aware of consequences of her acts and deeds. As the investigation is complete, the charge-sheet has been filed, and nothing further remains to be recovered from the applicant, it is prayed that the applicant be admitted to bail.

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

5. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, it is prima facie evident that the alleged incidents occurred between December 2022 and January 2023 whereas the FIR is registered on 15.03.2023. Moreover, the victim is 15 years old and was living with her mother and brother. The veracity of the prosecution's justification for the delay, i.e. the alleged threats, is a subject matter of trial and cannot be accepted for the purpose of pre-trial detention

6. Thus, prima facie, the factual matrix those are

emerging does not reflect any active inducement or coercive conduct on the part of the accused. The arrest of the applicant has been effected on 12.07.2025 and since then, he is in judicial custody.

7. 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.

8. As such, further incarceration of the application 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 applicant.

9. 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.

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

11. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Pralhad Damu Chavan 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. 38 of 2023 registered with Devgaon Rangari Police Station, Dist. Chhatrapati Sambhajinagar for the offences punishable under Sections 376(2)(1)(J), 376(2)(N), 376(3), 506 of the Indian Penal Code alongwith Sections 5(J)(2)(L) and 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i)(ii), 3(2)(V-A) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, 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 enter into village Khatkali Andhanre, Tq. Kannad, Dist. Chhatrapati

Sambhajanagar, till conclusion of the trial.

- (c) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (d) The applicant shall submit his Aadhar or Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (e) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move 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.)

Omkar Joshi