



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2025 OF 2025

AJAY GIRDHARI GODALE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Harshal Prakash Randhir
APP for Respondents-State : Mr. S. D Ghayal
Advocate for Respondent No. 2 : Ms. Smita Chole Kendre
(Appointed)

CORAM : SACHIN S. DESHMUKH, J.

Date : 6th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 01.06.2021 bearing Crime No. 384 of 2023 registered with Bhusaval Bazzarpeth Police Station, Dist. Jalgaon for the offences punishable under Sections 376(2)(f)(n) and 506 of the Indian Penal Code and Sections 4, 6, 8 and 10 of the Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that the informant (mother of the victim) was residing in a live relationship with the accused along with her two other children. In July 2021, the accused for the first time committed forcible sexual intercourse

with the victim when the informant was not at home. Thereafter, the repeated sexual penetrative assaults continued by the accused with the victim. On 21.07.2023 at about 7.00 am, when informant was sleeping in the room, the accused allegedly committed sexual assault with the victim. At that time, the scene was noticed by the informant and objected the same. The informant came out of the house and made hue and cry for help. Accused threatened the informant and pulled her inside the house. On that day, due to fear of the accused, the informant alongwith the children left the house of applicant to Shegaon. After two days, the victim and informant somehow gathered courage and lodged the report.

3. The learned counsel for the applicant submits that the the applicant is falsely implicated in the offence. There is delay in lodging the FIR. The investigation is complete, the charge-sheet has been filed, and nothing further is to be recovered from the applicant. The arrest of the applicant is effected on 24.07.2023 and since then, he is in jail. Further incarceration of the applicant is not warranted. As such, prayed that application may be allowed.

4. The learned APP vehemently opposed the application, submitting that the accused sexually exploited the victim under the threat and has thereby, committed an offence of serious nature. It

is contended that the applicant's release on bail would create a significant risk of tampering with witnesses. Consequently, the APP prays for the application to be rejected.

5. Considering the submissions from both sides and perusing the record, including the charge-sheet, the applicant is step-father of the victim. He is alleged to have sexually exploited the victim, step-daughter since July 2021. It is her case that thereafter, the applicant sexually exploited her many a time. He was caught doing same thing.

6. It is a matter of record that the report was lodged on 23.07.2023, after two days the last alleged incident. The subsequent medical screening of the victim does not indicate sexual assault corroborating the prosecution's claims. Furthermore, it is submitted that the matrimonial relationship between the applicant and his wife is severely strained, suggesting prima facie a potential motive for false implication. The applicant has already undergone incarceration for almost 30 months, a period of long confinement that warrants consideration for his release pending trial

7. Keeping in view the peculiar facts and circumstances of

the case, the applicant's deserves to be entitled for bail. The learned APP's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

8. 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. I am, therefore, persuaded to exercise the discretion in favor of the applicant.

9. 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.

10. Resultantly, following order is passed :-

ORDER

(I) Application is **allowed**.

(II) Applicant – Ajay Girdhari Godale. 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. 384 of 2023 registered with Bhusaval Bazzarpeth Police Station, Dist. Jalgaon for the offences punishable under Sections 376(2)(f)(n) and 506 of the Indian Penal Code and Sections 4, 6, 8 and 10 of the Protection of Children from Sexual Offences Act, 2012, on the following conditions :-

- (a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
- (b) Except attending the date/s of Trial Court, the applicant shall not enter within the jurisdiction of the Bhusaval City, 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 and 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 this Court seeking cancellation of bail.
- (f) If it is noticed that the applicant is involved in any offence of a similar nature in the future, the Trial

Court / Special Court shall be at liberty to take appropriate action for cancellation of bail, either suo motu or upon any application made by the prosecution, and shall decide the same on its own merits, notwithstanding the fact that the present bail has been granted by this Court.

(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