



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.2032 OF 2025

Vikas s/o Tukaram Palmante ... **APPLICANT**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. P.P. More, Advocate for applicant
Ms R.R. Tandale, A.P.P. for respondent – State
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 5th FEBRUARY, 2026

PER COURT :

1. By this application, the applicant seeks regular bail in connection with Crime No.239/2024, registered with Shirur Anantpal Police Station, District Latur for the offences punishable under Sections 64(2)(i) and 64(2)(k) of the Bhartiya Nyaya Sanhita, 2023.

2. The prosecution case is that, the victim who is mentally retarded, was constantly holding hands on stomach since 9/11/2024 and was unable to sit properly and complaining pains on her back. Even after 2 days, her acts were disturbed, therefore, on enquiry by the informant (her mother), the victim disclosed that,

prior to 3 days, the victim along with Bajya had gone near Z.P. Parishad School for eating tamarind. At that time, the present applicant took the victim to the school and committed sexual intercourse with her and threatened not to disclose the incident to anybody.

3. Learned counsel for the applicant submits that, the alleged incident is reported to the police after unexplained gap of 4 days. The prosecution case is not supported by the medical examination of the victim. The applicant is behind the bars and the investigation is completed. Therefore, further custody of the applicant is not warranted.

4. Per contra, learned A.P.P. vehemently opposed the application, submitting that, the applicant is indulged in serious offence and a mentally retarded victim has been subjected to sexual assault. If the applicant is released on bail, he is likely to influence the victim and the witnesses.

5. Having heard the respective counsel for both the sides and upon perusal of record including Charge Sheet, indicates that, the present case is premised on circumstantial evidence. Apart from the statement of the victim, who is suffering with border-line

intellectual disability, there is no eye witness to the alleged incident. The last seen theory is perpetrated by a minor witness namely Bajrang, who allegedly took the victim to the applicant. However, he has not witnessed the alleged act.

6. Further perusal of the record indicates that the report is lodged after a delay of 4 days when the victim disclosed the incident to her mother/ informant. Pertinently, the medico legal certificate prima facie does not show injuries either on the body or on genitals of the victim.

7. Moreover, the applicant is in custody since 16/11/2024 i.e. for more than 14 months. Also, the applicant is a young man of 25 years of age. Since the investigation is complete and the Charge Sheet is filed, further incarceration of the applicant would be unjustified.

8. In view of the aforesaid facts and considering the number of witnesses which the prosecution seeks to examine, the trial is unlikely to conclude within a reasonable period. Thus, I am inclined to exercise the discretion in favour of the applicant. The apprehension expressed by the learned A.P.P. can be taken care of by imposing stringent conditions upon the applicant.

9. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Vikas Tukaram Palmatte be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in the above crime, on the conditions that :
 - (a) The applicant shall not tamper with the prosecution witnesses in any way.
 - (b) The applicant shall remain present on each date, unless exempted by the trial Court.
- (iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall decide the trial on its own merits and in accordance with law.

(SACHIN S. DESHMUKH, J.)

fmp/-