



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

BAIL APPLICATION NO. 2035 OF 2025

MANOJ RAMDAS GANGVE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Sunil B. Surse
APP for Respondent No.1 : Ms. R. R. Tandale
Advocate for Respondent No.2 : Mr. V. P. Sawant (Appointed)

CORAM : SACHIN S. DESHMUKH, J.

DATE : 20-01-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.195 of 2025 dated 22.05.2025 registered with Police Station Mukundwadi, District Chhatrapati Sambhajinagar, for the offences punishable under Sections 64, 64(2)(m) of the *Bharatiya Nyaya Sanhita, 2023* and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012. In the said crime, the applicant is arrested on 05.07.2025. After completion of the investigation, the chargesheet is filed on 18.07.2025.

2. The prosecution case is that the victim, aged 17 years, got in contact with the accused in July 2023 via Instagram. Their online interaction developed from friendship to a romantic relationship, after which they began residing together. During this cohabitation, they had sexual relations, which resulted in the victim giving birth

to a son on April 20, 2024. Shortly after the child's birth, the accused abruptly abandoned the victim. After waiting unsuccessfully for his return, she moved back in with her parents and subsequently decided to put her son up for adoption. When she went to the adoption center, personnel there referred her to the Child Welfare Committee upon discovering victim as a minor. Consequently, the FIR came to be lodged.

3. The learned counsel for the applicant submits that the victim and the applicant were known to each other and in a consensual love relationship. The victim was over 17 years old at the time of the incident, nearing majority, and thus mature enough to understand the consequences of her actions. The victim willingly joined the applicant's company, and stayed together as husband and wife for approximately two years. Consequently, a prima facie case is not established against the applicant. Hence prayed that the applicant be released on bail.

4. The learned APP for respondent No.1 and the learned counsel for respondent No.2/victim submitted that the alleged offence is serious in nature. The applicant committed penetrative sexual assault on a minor, which resulted in the victim giving birth to a child, after which the applicant abandoned her. Further expressed the apprehension that if granted bail, the applicant is likely to abscond or tamper with prosecution witnesses, which

would hamper the trial. Therefore, they pray for the rejection of the application.

5. Upon considering the submissions and perusing the material on record, including the statement of the victim indicates that the victim and the applicant were known to each other and were in a relationship. The victim was sufficiently mature to understand the consequences of the actions.

6. The record further indicates that the victim voluntarily joined the company of applicant and stayed together as husband and wife approximately for two years. The statement further indicates that the victim and the applicant lived together for a considerable period, and she never attempted to contact her parents or protested the alleged physical assault. Thus, prima facie, there appears to have been no coercion or threats at the instance of the applicant.

7. Furthermore, the applicant is a 21-year-old labourer, and the victim is a materially matching age. Consequently, his continued incarceration as an undertrial prisoner could adversely affect his future prospects. There are no prior criminal antecedents to the applicant's credit. Also, the fact that the victim, at a belated stage and only in her supplementary statement, accused the applicant of sexual assault raises the possibility of over-implication in the present case.

8. The investigation is complete for all intent and purpose, resultantly, the chargesheet 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. As such, further incarceration, in the circumstances of the case, does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

9. Hence, the following order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant, Manoj Ramdas Gangve, 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 Crime No.195 of 2025 dated 22.05.2025 registered with Police Station Mukundwadi, District Chhatrapati Sambhajinagar, for the offences punishable under Sections 64, 64(2)(m) of the *Bharatiya Nyaya Sanhita, 2023* and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, on the conditions that;
 - (a) The applicant shall not pressurize the prosecution witnesses and shall not 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.
 - (c) 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.
 - (d) 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.
- (iii) Needless to state that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.
- (iv) The Secretary, High Court Legal Services Sub-Committee, Aurangabad to pay the fees of Mr. V. P. Sawant, learned counsel appointed for respondent No.2/victim, as per schedule.

[SACHIN S. DESHMUKH]
JUDGE

rrd