



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2063 OF 2025

MANOJ ALIAS UTTARESHWAR MAHADEO HUMBE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Irfan D. Maniyar
APP for Respondents-State : Mr. B. B. Bhise
Advocate for Respondent No. 2 : Mr. Shashikant E. Shekade

CORAM : Sachin S, Deshmukh, J.

Dated : 12th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 29.06.2025 bearing Crime No. 375 of 2025 registered with Jamkhed Police Station, Dist. Ahmednagar for the offences punishable under Sections 64(1), 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 8 and 17 of Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that the crime was registered pursuant to the report lodged by victim (aged 16 years) on 29.06.2025. The victim's father runs a fertilizer shop and has a godown for storing goods from some distance away from the shop / residence. Sometimes, the victim used to operate the counter of the shop and assist her father.

3. According to the prosecution, on 29.06.2025 at approximately 11:00 a.m., the victim's father left the place to purchase supplies, leaving the victim and her mother to attend the shop. At around 12:00 noon, the applicant arrived with a juvenile co-accused (a classmate of the victim) to purchase urea. After informing her mother, the victim accompanied both individuals to the godown to provide the bag of fertilizer. Upon entering, the juvenile allegedly restrained the victim by covering her mouth and pushing her onto a heap of urea, while the applicant committed a physical assault. Because she was being muffled, the victim was unable to scream when her mother approached the godown and called out for her. Upon the mother's arrival, both the juvenile and the applicant fled the scene, despite her attempts to apprehend the latter. The victim's father was subsequently informed of the incident.

4. The learned counsel for the applicant submits that the applicant and the victim were in a consensual relationship and that the victim herself had summoned him to the spot. He contends that the victim was fully aware of the consequences of her actions and that the present complaint is false. The medical examination does not support the case of prosecution in absence of mark of violence. Furthermore, as the investigation is

complete and the charge-sheet has been filed, nothing remains to be recovered from the applicant. In light of these circumstances, it is prayed that the application be allowed.

5. The learned APP vehemently opposes the application, contending that the applicant sexually exploited the minor victim and that the offense is of a grave and heinous nature. The prosecution further submits that given the severity of the accusations, the applicant's release on bail would pose a substantial risk of tampering with evidence or intimidating witnesses. Considering the seriousness of the crime and the potential threat to the fair trial, it is prayed that the application be rejected.

6. Having considered the submissions from both sides and perused the material on record, including the charge-sheet, the medical examination of the applicant prima facie does not support the case of prosecution.

7. Pertinently, there is discrepancy between the version of victim and the medical examination report. Therefore, the accusations points toward a possibility of case of over-implication. Consequently, the factual matrix emerging at this stage does not reflect active or coercive conduct on the part of the accused.

8. Nevertheless, 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.

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. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Manoj @ Uttareshwar Mahdeo Humbe 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. 375 of 2025 registered with Jamkhed Police Station, Dist. Ahmednagar for the offences punishable under Sections 64(1), 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 8 and 17 of 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) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) 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.
 - (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 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.)