



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

BAIL APPLICATION NO. 2065 OF 2025

PRABHU JALAMSING JAMRA
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant: Mr. Shaikh Kayyum Najir
APP for Respondent No.1: Ms. B. B. Bhise
Advocate for Respondent No.2: Ms.Pratibha Suryawanshi (Appointed)

...
CORAM : SACHIN S. DESHMUKH, J.

DATE : 20-01-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.0081 of 2025 dated 22.02.2025 registered with Anandnagar Police Station, District Dharashiv, for the offences punishable under Sections 137(2) and 64 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 14.03.2025.

2. The prosecution case is that on 02.02.2025 at about 9.00 p.m., the victim went missing from Dharashiv. Initially, no formal complaint was lodged. The victim was later discovered in the company of the applicant at Taluka Shahpur, District Burhanpur, in the State of Madhya Pradesh. Consequently, the informant lodged a report against the applicant at Police Station Pandhana, District Khandwa, in Madhya Pradesh. As the actual spot of the incident was determined to be the MIDC Colony, Dharashiv (Maharashtra),

the case was forwarded to the Superintendent of Police at Dharashiv for proper jurisdiction. The applicant was subsequently arrested during the investigation.

3. The learned counsel for the applicant submits that there is an unexplained delay in lodging the FIR. The allegations are afterthought and there is no medical evidence on record to substantiate the allegations. The victim is of 17 years and 5 months old at the time of the incident, as such had reached a considerable age of understanding. Further, submitted that the investigation is completed, and the charge sheet has been filed. As the trial is likely to be time-consuming, the further incarceration of the applicant is unwarranted. Hence, prayed that the applicant be released on bail.

4. The learned APP and the learned counsel for Respondent No. 2/victim have vehemently opposed the bail application submitting that the alleged offense is serious in nature and that a strong *prima facie* case exists against the applicant. Further, expressed the apprehension, if applicant is released on bail, there is a possibility of applicant fleeing away. Hence, prayed to reject the application.

5. Upon considering the submissions and perusing the material on record, including the statement of the victim indicates that the victim herself disclosed that the victim and the applicant known to each other and are in relations with the applicant. Since the victim

is more than 17 years 5 months, she enough mature to know and understand the consequences of the affair.

6. Furthermore, the statement of the victim, indicates that the victim herself disclosed that she and the applicant were known to each other and were in a relationship. She voluntarily joined the company of the applicant on her own accord. Considering conduct and the circumstances, the relationship appears to be consensual, leading to the possibility of over-implication in the case. Moreover, the applicant is only 24 years old and of contemporary age with the victim.

7. Nevertheless, The investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number 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.

8. The apprehension expressed by the APP regarding the applicant potentially fleeing away can be adequately addressed and mitigated by imposing stringent bail conditions.

9. Hence, the order:-

ORDER

(i) Bail application is allowed.

- (ii) Applicant, Prabhu Jalamsing Jamra, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand), with one solvent surety of the like amount in Crime No.0081 of 2025 dated 22.02.2025 registered with Anandnagar Police Station, District Dharashiv, for the offences punishable under Sections 137(2) and 64 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 their Aadhar and/or Pan Cards to the Investigation Officer and detailed addresses and phone numbers of applicants 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 learned counsel appointed for respondent No.2/victim, as per schedule.

[SACHIN S. DESHMUKH, J.]