



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

36 BAIL APPLICATION NO. 2197 OF 2025

KISAN DEVRAM GAFALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for applicant : Mr. K.N. Shermale
APP for the respondent – State : Mr. C.V. Bhadane
Advocate for respondent no. 2 (appointed) : Ms. P.H. Suryawanshi
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 05 JANUARY 2026

PER COURT :

The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 250 of 2025 dated 11.08.2025 registered with Ghargaon Police Station, Taluka – Sangamner, District - Ahilyanagar for the offences punishable under section 64, 329(1), 329(3), 352, 351, 351(2) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that there was transaction between husband of informant and the applicant. On 10.08.2025, at around 8.00 pm, the applicant entered the house of the informant and asked about whereabouts of her husband, to which the informant replied that her husband was not in the house and asked him to leave. The applicant allegedly grabbed her hand and dragged her towards him.

3. The informant pushed away the applicant and ran outside the house. The applicant ran and caught hold the informant and committed sexual intercourse against her will. The informant narrated the incident to her husband and thereafter, the FIR came to be lodged on 11.08.2025 and eventually, applicant came to be arrested in that connection and upon completion of investigation, chargesheet is filed on 28.11.2025.

4. Mr. Shermale, learned counsel for the applicant submits that, the applicant is falsely implicated in the alleged crime owing to the monetary transaction between the husband of the informant and the applicant. It is further submitted that there are no injuries caused to the informant as per the Medico-Legal Certificate and the report does not support the prosecution case. It is further submitted that the perusal of the record indicates different versions not only by the victim but also by the witnesses in relation to the alleged incident. He submitted that the investigation is complete and chargesheet has been filed and no purpose would be served by keeping the applicant behind the bar. Hence, prayed to allow the application.

5. Learned APP and learned counsel for respondent no. 2 have opposed the application, submitting that the applicant is involved in a serious offence. There is possibility of applicant tampering with the witnesses and fleeing away. Hence, prayed to reject the application.

6. Having heard the respective counsels for both parties and upon perusal of the record including the chargesheet indicates that the examination of the victim is duly carried out wherein no injuries are indicated. The record indicates that there is substantial variance in the statement of the victim recorded under section 183 of the BNS about

presence of the applicant, where he has been said to have sharing the liquor with husband of informant when the alleged incident had taken place.

7. The investigation is complete for all intent and purpose. Resultantly, chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution propose 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 favour of the applicant.

8. Resultantly, the following order is passed :-

ORDER

I) Application is allowed.

II) Applicant, Kisan S/o Devram Gafale, be released on regular bail upon furnishing P.R. bond in the sum of Rs.50,000/- (Fifty Thousand only) with one or two local solvent sureties in the like amount, in connection with Crime No. 250 of 2025 dated 11.08.2025 registered with Ghargaon Police Station, Taluka- Sangamner, District - Ahilyanagar for the offences punishable under section 64, 329(1), 329(3), 352, 351, 351(2) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

(a) After his release from jail, the applicant shall report to the Investigating Officer as and when called for in writing.

- (b) The applicant shall attend the trial Court every month between 11.00 am to 1.00 pm. to mark his presence.
- (c) Applicant shall co-operate with the conduct of trial and attend trial Court on all dates unless specifically exempted and will not take any unnecessary adjournment.
- (d) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court.
- (e) The applicant shall not influence with any of the prosecution witnesses or tamper with the evidence, in any manner.
- (f) Before his actual release from jail, the applicant shall furnish his address where he propose to reside after his release from jail, to the concerned Police Station and also to the Trial Court.
- (g) In case of infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

9. Fees of Ms. P.H. Suryawanshi, learned advocate appointed to represent respondent no. 2, be quantified and paid to her by High Court Legal Services Sub-Committee at Aurangabad, as per rules.

[SACHIN S. DESHMUKH]
JUDGE

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