



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

BAIL APPLICATION NO.2243 OF 2025

Ganesh s/o Dasrao Bachate

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....
Mr. A.D. Khot, Advocate for applicant

Mr. G.O. Wattamwar, A.P.P. for respondent No.1 – State

Mr. P.V. Giri, Advocate for respondent No.2 (appointed)
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 13th FEBRUARY, 2026

PER COURT :

1. The applicant seeks release on regular bail in connection with Crime No.0448/2025, registered with Gangakhed Police Station, District Parbhani for the offences punishable under Sections 64(2)(i), 65(1), 96 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 8, 12 and 17 of the Protection of Children from Sexual Offences Act.

2. The prosecution case is that, on 26/6/2025 at about 1.00 p.m., the victim came to her house from the school for lunch. After having lunch, at about 2.00 p.m., while again proceeding to school, the accused No.1 Ishwar Bange called her from one lane. Thinking that, her father might have sent him to call her, she went to Ishwar. At that time, the present applicant and accused No.3 Ganesh Jadhav were present. It is alleged that, accused Ishwar Bange took her at the house of Ganesh Bachate on the pretext that her father is at the house of Ganesh Bachate and that he has called her there. The present applicant and Ganesh Jadhav followed them.

. It is alleged that, accused Ishwar Bange took the victim in the bedroom in the house of applicant and immediately the present applicant and Ganesh Jadhav latched the door from outside. At that time, the father of the victim was not found. Therefore, when she questioned Ishwar, Ishwar closed the door from inside and committed forcible sexual intercourse against her wish. Thereafter the father and brother of the victim reached there by opening the door from outside. The victim narrated the incident to her father. At that time, the accused Ishwar requested not to go

to police station. Thereafter the F.I.R. came to be lodged.

3. Learned counsel for the applicant submits that, the applicant has been falsely implicated in the present case. The role attributed is to the accused Ishwar, but for the incident occurred in the house of the present applicant, the name of the present applicant has been included in the F.I.R. the applicant is in custody from 27/6/2025. The investigation is complete. Chage sheet is filed. As such, prayed that the applicant may be admitted to bail.

4. Per contra, learned A.P.P. and learned counsel for respondent No.2 vehemently opposed the application, submitting that the applicant has also played active role in the incident. As such, the same disentitles him for bail. As such, prayed to reject the application.

5. Considering the submissions advanced by learned counsel for both sides and perusal of the record, it is the accused No.1 Ishwar to whom the victim responded and eventually reached to the house of the present applicant where the alleged incident has occurred. Except the alleged role of latching the door from outside, no other role is attributed to the present applicant. The co-

accused Ganesh Jadhav has been protected by this Court in Anticipatory Bail Application No.1316/2025. In that view of the matter, the applicant deserves to be released on bail.

6. Nevertheless, the investigation is complete for all intents and purposes. Thus, the application warrants consideration. Accordingly, the discretion deserves to be exercised in favour of the applicant. Hence the order :

ORDER

(i) Bail Application is allowed.

(ii) The applicant Ganesh s/o Dasrao Bachate 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.

(b) The applicant shall remain present on each date, unless exempted by the trial Court.

(iii) Needless to state that, nothing stated hereinabove shall be

construed as an expression on merits of the case. Learned Trial Court shall proceed independently and uninfluenced by the observations made hereinabove.

(iv) The High Court Legal Services Sub-Committee, Aurangabad to pay the fees of the appointed learned counsel on behalf of respondent No.2, as per rules.

(SACHIN S. DESHMUKH, J.)

fmp/-