



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

BAIL APPLICATION NO. 2263 OF 2025

VIJAY LAXMAN JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Prasad B. Kadam
(Appointed through Legal Aid)
APP for Respondent No.1 : Mr. D. B. Bhange
Advocate for Respondent No.2 : Mr. Jitendra Jain (Appointed)
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 25-02-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.41 of 2025 dated 05.02.2025 registered with Police Station Tuljapur, Taluka Tuljapur, District Osmanabad (Dharashiv), for the offences punishable under Sections 64(1), 64(2)(h), 64(2)(m), 64(2)(i), and 64(2)(f) of the *Bhartiya Nyaya Sanhita*, 2023, Sections 4 and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and Sections 92 (d) and 93 of the Rights of Persons with Disabilities (RPwD) Act, 2016. In the said crime, the applicant was arrested on 05.02.2025. Upon completion of the investigation, the chargesheet is filed on 02.04.2025.

2. The prosecution case is that the informant has two daughters from her first marriage. The victim of the crime is of unsound mind. Due to poverty, the informant's two daughters were residing at her parents house.

On 03.02.2025, Asha Worker noticed that the victim child is pregnant. So, she advised to the informant to undertake medical checkup of the victim child, wherein the informant noticed that the victim child is pregnant about 6 months. In the inquiry with the victim child, the informant also came to know that her brother/ applicant (Accused No.1) has committed rape repeatedly on the victim child. On 04.02.2025, the informant lodged report against her brother Vijay.

During the course of investigation, it also transpired that, informant's mother Sulabai (Accused No.2) had aided the offence. So she was also joined in this crime.

3. Learned counsel for the applicant submits that the applicant is falsely roped in the offence. The crime is registered against the applicant under fears and threats of the informant's husband. The case against the applicant is based only on allegation of the informant. The applicant is behind bars since arrest, further incarceration is unwarranted. Nothing is to be recovered from the applicant. The allegations are general and vague. Thus, prayed to allow the application.

4. The learned APP for respondent No.1/State and the learned counsel for respondent No.2/victim have opposed the application and contended that the offence is serious in nature. The statement of victim indicates that the applicant had committed sexual

atrocities on the victim. The informant has alleged that her second husband has committed the alleged offence. Hence, prayed to reject the application.

5. Upon considering the submissions and perusing the material on record, the statement of the victim *prima facie* indicates that she was residing in the household of the accused persons due to the financial distress of her biological mother. While the medical evidence confirms a six-month pregnancy, it is pertinent to note that the allegations surfaced only after an external intervention by an Asha worker. The record suggests a complex family dynamic involving a second marriage of the informant and the victim's own mental vulnerabilities, which necessitates a cautious approach in distinguishing between actual participation.

6. Moreover, the DNA results do not match to that of the applicant. The victim's mental condition, while making her vulnerable, also requires the Court to scrutinize whether the identification of the perpetrator was influenced by the informant's own suspicions or family disputes.

7. Considering the absence of prior complaints during the alleged period of "repeated" acts, the veracity of the claims remains a strictly a matter of trial, leaning the balance in favor of the liberty of the accused.

8. Nevertheless, the investigation is completed 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) The bail application is allowed.
- (ii) Applicant, Vijay Laxman Jadhva, 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.41 of 2025 dated 05.02.2025 registered Police Station Tuljapur, Taluka Tuljapur, District Osmanabad (Dharashiv), for the offences punishable under Sections 64(1), 64(2)(h), 64(2)(m), 64(2)(i), and 64(2)(f) of the *Bhartiya Nyaya Sanhita*, 2023, Sections 4 and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and Sections 92 (d) and 93 of the Rights of Persons with Disabilities (RPwD) Act, 2016, 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 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 applicants, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad to pay the fees to the learned counsel appointed for the applicant and respondent No.2/victim, as per schedule.
- (iv) 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.

[SACHIN S. DESHMUKH]
JUDGE