



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

BAIL APPLICATION NO. 2287 OF 2025

DEVIDAS GOVIND RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Varsha V. Sundale
APP for Respondent No.1 : Mr. G. O. Wattamwar
Advocate for Respondent No.2 : Ms. Meenal S. Deshmukh
(Appointed)
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 12-01-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.130 of 2025 dated 19.07.2025 registered with Mukramabad Police Station, District Nanded, for the offences punishable under Sections 75, 78, 87, 137(2) of the *Bharatiya Nyaya Sanhita, 2023* and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. In the said crime, the applicant was arrested on 20.07.2025. After completion of the investigation, the chargesheet has been filed on 04.09.2025.

2. The prosecution case is that the approximately four months prior to the incident, while the victim and her parents were engaged in sugarcane cutting work in Atnur, the victim and the applicant met and developed a relationship, communicating via

telephone. On 17.07.2025, the applicant called the victim to Khatgaon, where the victim met the applicant. They traveled by car to Aurad, Karnataka, and then continued by bus to Hyderabad and Humnabad. The victim stated that the accused held her hand during this travel. In Humnabad, the relatives of the accused met them. Both the victim and the applicant were subsequently taken to Udgir, where the victim's relatives met them. They all then proceeded to Mukramabad Police Station, where the complaint was lodged and an offence registered.

3. Following the victim's medical examination the next day, a supplementary statement was recorded. In this statement, disclosed that initially withheld the information about sexual intercourse with the accused due to fear/duress. She specified that the sexual act occurred on 17.07.2025 near a bridge in village Khatgaon. Based on this new disclosure, Section 4 of the Protection of Children from Sexual Offences (POCSO) Act was added to the case.

4. Learned counsel for the applicant submits that the applicant has falsely been implicated in the offence. The report does not disclose any allegation of penetrative sexual assault. There is no allegation of force, compulsion, threat, coercion or inducement in the report. It is submitted that the alleged act was consensual in nature since the victim herself stated in the FIR that there was

absolutely no violence or physical force applied by the applicant and she was in love with him. There is variance between medical evidence and the statements of the victim. The applicant is a student and has no criminal antecedents. Hence, the applicant may be released on bail.

5. The learned APP for respondent No.1/State and the learned counsel for respondent No.2/victim have opposed the application and submitted that the victim is just 13 years and 4 months old at the time of the incident. Her medical examination clearly demonstrate that there was physical assault with the victim and, therefore, the offence is serious in nature. Since, the applicant is resident of another State, there is possibility of fleeing away. Hence, prayed to reject the application.

6. Upon considering the submissions and perusing the material on record, including the statement of the victim indicates that on the date of incident, the victim accompanied with the applicant having material match with the age, on her own accord without informing her parents. The statement further indicates that the victim gone with the applicant for a considerable period and has nowhere attempted to initiate contact with her parents nor resisted any protest in relation to alleged physical assault. Thus, *prima facie*, there appears no coercion or threats at the instance of the applicant.

7. Further, the applicant is student and the victim is of a contemporary age. Thus continued incarceration as an undertrial prisoner could adversely affect his future prospects. Also, there are no prior criminal antecedents to the discredit of the applicant. Moreover, the victim's conduct suggests that she had a sufficient understanding of her actions. The victim at a belated stage, in her supplementary statement has accused the applicant of sexual assault, raising the possibility of over-implication in this case.

8. Nevertheless, The investigation is complete for all intent and purpose, 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 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) Bail application is allowed.
- (ii) Applicant, Devidas Govind Rathod, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only), with one solvent surety of the like amount in Crime No.130 of 2025 dated 19.07.2025 registered with

Mukramabad Police Station, District Nanded, for the offences punishable under Sections 75, 78, 87, 137(2) of the *Bharatiya Nyaya Sanhita, 2023* and Sections 4, 8 and 12 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 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) 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 the appointed counsel for respondent No.2/victim as per schedule.

[SACHIN S. DESHMUKH]
JUDGE