



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2305 OF 2025

Ajay Sanjay Dive

.. Applicant

versus

The State of Maharashtra

.. Respondent

Mr. U. S. Malte, Advocate for the Applicant.

Mr. C. V. Bhadane, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 20th JANUARY, 2026.

PER COURT :

1. Applicant has preferred this application seeking regular bail in connection with Crime No. 418/2025 registered with Rahuri Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 74, 76, 64, 64(2)(i), 64(2)(j)(k), 92, 333 of Bharatiya Nyaya Sanhita, 2023 and under Section 92 of Rights of Persons with Disabilities Act.

2. The case of prosecution is that on April 15, 2025, in the afternoon, the informant heard the noise of the victim, who is non-verbal, hearing-impaired, and experiencing mental health issues. The informant knocked on the door of the victim's room. After a short delay, the present applicant opened the door. At that time, the informant observed the victim and the applicant to be half-naked. Noticing the informant, the applicant immediately fled the scene. The

victim subsequently described the incident to the informant using sign language. Accordingly, the First Information Report was lodged.

3. Learned Counsel for the Applicant submits that there is material variance about the physical and mental state of the victim. The disability certificate indicates that the victim is a physically impaired person. Similarly, the medico-legal examination report does not support the case of the prosecution. The applicant is falsely implicated due to a property dispute amongst the parties. Since, the investigation is complete, no fruitful purpose would be served by keeping the applicant in jail. Hence, prayed to enlarge the Applicant on bail.

4. Per contra, learned APP vehemently opposed the application citing seriousness of the offence. A heinous act is committed on a vulnerable victim by her cousin/applicant. By drawing attention of the Court to the physical and mental health of the victim, it is submitted that the Applicant is disentitled to any relief. An apprehension is also expressed that if the Applicant is enlarged on bail, there is every possibility of tampering prosecution evidence. Hence, prayed to reject the application.

5. Considering the submissions of both sides and having perused the material on record, including the charge-sheet, indicates that

except the informant, there is no eye witness to the alleged incident. The disability certificate shows that the victim is a physical disabled person. However, no remarks regarding the mental health of the victim are available on record.

6. Furthermore, the medico-legal examination evaluation *prima facie* shows no external or internal injury, neither on the body nor on the genital parts of the victim. Purportedly, there is a land dispute between the parties, and the applicant and the victim are related by consanguinity. Hence, the possibility of false implication in this case cannot be ruled out.

7. Nevertheless, the investigation is complete for all intents and purposes, and the charge sheet has been filed. As such, further detention of the applicant, aged 23 years, as an undertrial prisoner does not seem to be either warranted or justifiable under the circumstances of the case. I am, therefore, persuaded to exercise the discretion in favour of the applicant

8. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant, Ajay Sanjay Dive, be released on bail, on furnishing P.R. bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand) with one or two local solvent sureties, in the like

amount, in connection with Crime No. 418/2025 registered with Rahuri Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 74, 76, 64, 64(2)(i), 64(2)(j)(k), 92, 333 of Bharatiya Nyaya Sanhita, 2023 and under Section 92 of Rights of Persons with Disabilities Act, on the following conditions :-

- (a) The Applicant shall not pressurize the prosecution witnesses and 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 and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
- (c) The Applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers of the Applicant 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, 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.

(SACHIN S. DESHMUKH, J.)