



CORRECTED ORDER

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

BAIL APPLICATION NO.2325 OF 2025

Hanuman s/o Baburao Giri

... **APPLICANT**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....

Mr. P.P. More, Advocate for applicant

Mr. D.B. Bhange, A.P.P. for respondent No.1 – State

Ms Sayali S. Tekale, Advocate for respondent No.2

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 23rd JANUARY, 2026

PER COURT :

1. By this application, the applicant seeks release on regular bail in connection with Crime No.293/2025, registered with Godi Police Station, District Jalna for the offences punishable under Sections 64, 64(2)(m), 65(1), 332, 351(2), 351(3) of the Bhartiya Nyaya Sanhita and Sections 4, 5(L) and 6 of the Protection of Children for Sexual Offences Act.

2. The prosecution case is that, on 21/7/2025 at about 4.30 p.m., the victim along with her brother came home from school. Her mother had gone out of the village for some work. It is alleged that, the applicant came to her house asking for a sickle. When she was going inside the house to bring the sickle, the applicant followed her inside the house and touched her body and held her up from back side with bad intention and pushed her on the cot and pulled down her pant. It is alleged that, when she pushed the applicant aside, threatened to kill her and again pulled down her pant and knicker and pushed up top and committed sexual intercourse with her. It is alleged that, while committing and after committing the sexual intercourse, she suffered severe pain. After the sexual intercourse, she cried due to trouble. Thereafter he paid Rs.200/- to her.

3. It is further alleged that, previously also, since last one year the applicant has committed sexual intercourse against wish whenever there was nobody in house and used to threaten her that in case she discloses the same to anybody, he will kill her and her family members. Therefore, due to fear, she did not tell about the same to her parents. However, due to the physical relations

committed on 21/7/2025, she suffered severe pains, she told about the same to her mother. Then her mother her father on phone who had taken a truck to Dhule. Her father came on 4/8/2025 and thereafter she lodged the complaint.

4. Mr. More, learned counsel for the applicant submits that, false implication of the applicant in the present crime is rather apparent from the fact that, the alleged incident is dated 21/7/2025 whereas the complaint is lodged on 5/8/2025. The medical examination of the victim does not support the case of the prosecution. Thus, the applicant's request for bail warrants consideration.

5. Per contra, learned A.P.P. and Ms Sayali S. Tekale, learned counsel for respondent No.2 victim have opposed the application, submitting that the victim is minor and because of threats extended by the applicant, the report could not be lodged promptly. As such, the application does not warrant consideration and the same be rejected.

6. Upon hearing the respective counsel and perusing the record, prima facie there is delay in lodging the report.

Nevertheless, perusal of the medical examination report does not support the case of the prosecution. In any case, the investigation is complete for all intent and purpose. As such, further custody of the applicant is not justified.

7. So far as the apprehension expressed by the learned A.P.P. and learned counsel for respondent No.2 victim about pressurising the prosecution witness and the victim, same can be adequately taken care of by imposing stringent conditions. Hence the order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant Hanuman Baburao Giri 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.

- (c) The applicant shall not enter the limits of village Nalewadi, Taluka Ambad, District Jalna till completion of the trial. The applicant shall give the address of his residence to the concerned police station.
- (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 to the appointed learned counsel on behalf of respondent No.2, as per rules.

(SACHIN S. DESHMUKH, J.)

fmp/-