



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2347 OF 2025

JAYSING ALIAS JAYA HANYA VALVI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Amit S. Savale
APP for Respondents-State : Mr. C. V. Bhadane
Advocate for Respondent No. 2 : Mr. Smita R. Kasture (Appointed)

CORAM : SACHIN S. DESHMUKH, J.

Date : 10th February, 2026

PER COURT :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 09.07.2025 bearing Crime No. 116 of 2025 registered with Dhadgaon Police Station, Dist. Nandurbar for the offences punishable under Sections 64(1), 64(2) (f), 351(3), 331(6) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution case is that the informant is a widow residing with her two children. The accused is her maternal cousin-uncle. The case involves allegations of threatening behavior and other harmful actions by the accused against the informant.

3. According to the prosecution, on 06.07.2025 approximately at 11:00 p.m., while the informant and her children

were asleep, the accused gained entry into her residence by opening the door. Accused forcibly caught victim's hand and renewed demands for sexual favors. When the Informant refused, the accused took a bottle of pesticide and poured it into the millets stored in the house. Accused issued a life-threatening ultimatum, stating that if she did not submit to physical relations, he would kill her children. A neighbor who came to assist was also allegedly threatened by the accused. The informant feeling coerced due to the threats against her children. The accused is alleged to have committed an act against her will and threatened against disclosing the incident.

4. Following the incident, the informant informed her aunt and then parents. Upon being confronted, the accused reportedly gave evasive answers and extended further threats. Accordingly, the FIR came to be lodged 09.07.2025.

5. The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the offence. There is unexplained delay in lodging the FIR. While the alleged incident occurred on 06.07.2025, the FIR was registered on 09.07.2025. This three-day hiatus indicates a period of deliberation and tutoring rather than a spontaneous reporting of a crime. The

investigation is complete and the charge-sheet is filed. Nothing remains to be recovered at the instance of accused. Hence, prayed to allow the application.

6. The learned APP and the learned counsel for respondent No. 2 have vehemently opposed the application, submitting that the applicant has been involved in the act of sexually exploiting the victim. The offence is serious in nature. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence. As such, it is prayed that the application be rejected.

7. Upon considering the submissions of both sides and perusing the material on record, including the charge sheet, the alleged incident occurred on 06.07.2025 approximately at 23:00 hours. However, the FIR was lodged on 09.07.2025. While the prosecution attributes this delay to fear and threats, the gap of nearly three days prima facie indicates the possibility of an afterthought. The same is a factor that must be tested during the trial.

8. The prosecution alleges that the accused forcibly disrobed the informant and committed sexual intercourse after a physical struggle. However, the medical examination report of the

informant, prima facie, reveals no external injuries, abrasions, or marks of violence on her person. In a case involving allegations of forcible intercourse, the total absence of any signs of resistance, weakens the prosecution's claim of physical coercion at this prima facie stage.

9. Keeping in view the peculiar facts and circumstances of the case, the applicant deserves to be entitled for bail. The apprehension expressed by the learned APP and the learned counsel for respondent No.2 about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

10. The investigation is complete for all intent and purposes. Resultantly, the charge-sheet 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.

11. As such, further detention of the applicant as an under trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favor of the applicant.

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

13. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Jaysing @ Jaya Hanya Valvi be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 116 of 2025 registered with Dhadgaon Police Station, Dist. Nandurbar for the offences punishable under Sections 64(1), 64(2)(f), 351(3), 331(6) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-
 - (a) The applicant shall not enter into the village Goramba Mawdabipada, Tq. Dhadgaon, Dist. Nandurbar, till conclusion of the trial.
 - (b) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (c) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (d) The applicant shall submit his Aadhar and Pan Card to

the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.

(e) 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 states 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, J.)

Omkar Joshi