



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2383 OF 2025

RAVINDRA SALUBA MHASKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. B. R. Kedar i/b Mr. Vishal R. Gadekar
APP for Respondents-State : Mr. S. D. Ghayal
Advocate for Respondent No. 2 : Mr. Arun S. Shejwal

CORAM : SACHIN S. DESHMUKH, J.

Date : 6th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 04.10.2025 bearing Crime No. 359 of 2025 registered with Jawahar Nagar Police Station, Dist. Aurangabad for the offences punishable under Sections 74, 75(1) and 351(2) of Bharatiya Nyaya Sanhita, 2023 and Sections 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The prosecution's case is that the victim is a minor, aged 17 years and 6 months, is being maintained by her grandfather. The applicant, aged 53, is a friend of the informant. It is alleged that in July 2024, while the informant and his son were

away in Nashik for work, the victim was left in the care of the accused for 4–5 days. During this period, while the accused was travelling the victim in his car, he allegedly fondled breast with his left hand and touched her thighs, thereby outraging her modesty. He further threatened the victim, threatening her not to disclose the incident to her grandfather, he would ensure her maternal uncle's marriage would not take place.

3. Preceded by the aforesaid alleged incident, the further case of the prosecution is that on 29.12.2024, victim had gone to attend birthday of grand-daughter of accused and while leaving victim to her house on a Moped, accused again did obscene things and committed sexual assault on her. Victim used to note about her daily activity in diary. Informant saw her crying two to three times and inquired her but she did not tell him anything. On 28.09.2025, the informant found her diary and came to know about mental condition of victim and so, inquired her and she disclosed about aforesaid incidents to him. Consequently, the complaint came to be lodged by the informant.

4. The learned counsel for the applicant submits that the the victim accompanied the applicant on her own accord. It is a case of false implication. The FIR is lodged with unexplained delay

of more than one year. The investigation is complete and the charge-sheet has been filed. Nothing further remains to be recovered from the applicant. It is, therefore, prayed that the application be allowed.

5. The learned APP for the State and the learned counsel for respondent No. 2 vehemently opposed the application, submitting that the accused subjected the victim to sexual exploitation. Given the serious nature of the offense, it is contended that the applicant's release on bail would pose a significant risk of tampering with witnesses. Consequently, the prayed for the application to be rejected.

6. Considering the submissions from both sides and perusing the record, including the charge-sheet, it *prima facie* appears to be a case of false implication. The victim, being a person of mature understanding, would have been cognizant of the gravity of the initial incident of July 2024. Her subsequent voluntary visits to the applicant's residence, without any reported protest or alarm, demonstrate a course of conduct that is inherently inconsistent with the allegations of force or coercion. Such continued association with the applicant *prima facie* suggests,

as any reasonable person of her maturity would have sought intervention or avoided further contact had the prior assault actually occurred.

7. In view of the above, it is evident that the incident was not reported spontaneously or out of a sense of grievance. On the contrary, the matter came to be reported only as a reactive disclosure after the informant was confronted by informant, thereby casting serious doubt on the veracity of the allegations. Thus, the emerging factual matrix makes out a prima facie case in favour of the applicant in the wake of unexplained delay of more than one year while lodging the report

8. Nevertheless, the investigation of the case has been completed and the charge-sheet has also been filed. Nothing remains to be recovered from the applicant. Thus, no fruitful purpose would be served by keeping the accused incarcerated any further. Equally, in absence of criminal antecedent, the request of the application warrants consideration.

9. Keeping in view the peculiar facts and circumstances of the case, the applicant entitled for bail. The learned APP's apprehension about tampering with the prosecution evidence can

be adequately taken care of by imposing stringent conditions.

10. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Ravindra Saluba Mhaske, 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. 359 of 2025 registered with Jawahar Nagar Police Station, Dist. Aurangabad for the offences punishable under Sections 74, 75(1) and 351(2) of Bharatiya Nyaya Sanhita, 2023 and Sections 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012, on the following conditions :-
 - (a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (b) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) 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.
 - (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 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