



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

BAIL APPLICATION NO.2487 OF 2025

Kailash Pandit Chavhan

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....
Mr. M.K. Bhosale, Advocate for applicant (appointed)
Ms R.R. Tandale, A.P.P. for respondent No.1 – State
Ms S.R. Khan, Advocate for R.No.2 (appointed)
Mr. M.R. Wagh, Advocate for R.No.2
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 17th FEBRUARY, 2026

PER COURT :

1. The applicant seeks release on regular bail in connection with Crime No.107/2025, registered with Dhule Taluka Police Station, District Dhule, for the offences punishable under Sections 65(2), 351(2), 351(3) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 5(m), 6 of the Protection of Children from Sexual Offences Act.

2. The prosecution case is that, on 19/2/2025, at about 8.00 p.m., the victim, who is 10 years minor daughter of the informant, told the informant that, at about 7.00 p.m. the accused had asked her to bring tobacco from a shop and when she brought tobacco and gave him, the applicant indicated that he loves her. On 20/2/2025, after the informant and her husband came home from work, her husband, thereafter went out of the house and after some time rushed in frightened state. On inquiry, told that at 8.00 p.m., one Vicky More told him that the applicant has taken the victim inside house and latched the door from inside. Therefore, he along with Vicky went to the house of applicant and knocked the door, but as the applicant did not open the door for 3 to 4 minutes, they kicked open the door and noted that the applicant was wearing his clothes and the victim was in the back side room. Therefore, the informant went to the house of the accused, where she saw the victim crying.

. On inquiry the victim told that, the applicant asked the victim to bring tobacco pouch and after receipt of the same, the applicant called her inside the house and committed penetrative sexual assault. When the father of the victim knocked the door, the applicant sent the victim in back side room and threatened not to

disclose anything to anyone. Thereafter, the informant and her husband went to the house of brother of the applicant to question about the incident. However, the brother and sister-in-law of the applicant did not pay any heed and assaulted and abused the informant and her husband.

3. Learned counsel for the applicant submits that, the applicant has been falsely implicated in the case. The medical examination of the victim does not support the case of the prosecution. In that view of the matter, the applicant deserves to be admitted to bail.

4. Per contra, learned A.P.P. vehemently opposed the application, contending that the offence is serious and the applicant has sexually assaulted the minor victim. As such, the application does not warrant consideration. Learned A.P.P. further submits that, the applicant and victim reside in the same locality. Therefore, if the applicant is released on bail, he may threaten the victim and the prosecution witnesses. As such, prayed to reject the application.

5. Upon considering the submissions advanced by learned counsel for both sides and perusal of the material on record, prima

facie, the medical examination of the victim does not support the prosecution case, as such, it appears to be a case of false implication. So far as the apprehension expressed by the learned A.P.P., same can be adequately taken care of by imposing stringent conditions upon the applicant.

6. Nevertheless, the investigation is complete for all intents and purpose. In that view of the matter, further incarceration of the applicant is not warranted.

7. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Kailash Pandit Chavhan be released on bail on furnishing P.B. and S.B. of Rs.15,000/- (Rupees Fifteen 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 in any way.
 - (b) The applicant shall remain present on each date, unless exempted by the trial Court.
 - (c) The applicant shall not reside within the jurisdiction

of village Kusumba, Taluka and District Dhule till conclusion of the trial.

- (iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall decide the trial on its own merits and in accordance with law.
- (iv) Fees of learned counsel appointed for the applicant is quantified at Rs.10,000/- (Rupees ten thousand).

(SACHIN S. DESHMUKH, J.)

fmp/-