



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2489 OF 2025

MUNGALYA ALIAS MANGALYA BONDA VALVI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Amit S. Savale
APP for Respondents-State : Ms. R. R. Tandale
Advocate for Respondent No. 2 : Mr. G. R. Ingole

CORAM : SACHIN S. DESHMUKH, J.

Date : 22nd January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 12.08.2025 bearing Crime No. 142 of 2025 registered with Dhadgaon Police Station, Dist. Nandurbar for the offences punishable under Sections 64(1), 64(2) (f), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4(2) of the Protection of Children from Sexual Offences Act, 2012.

2. According to the prosecution, on 11.08.2025, the victim proceeded to graze cattle in the field at approximately 08:00 a.m. At around 03:00 p.m., she approached to the informant in tears, reporting that the accused had intercepted her at 02:00 p.m.

The victim alleged that the accused approached her from behind, restrained her by muffling her mouth and committed non-consensual sexual intercourse. The accused further issued life threats to ensure silence. The victim's clothing was found to be stained with blood following the assault. When the informant and his brother confronted the accused at his residence for an explanation, responded with further threats. Consequently, the FIR was lodged on 12.08.2025.

3. The learned counsel for the applicant submits that the applicant is an innocent person and has not committed the alleged offence. There is no evidence on record to indicate and establish the complicity of the applicant. The prosecution's claim of forcible sexual intercourse resulting in blood stains does not substantiate by a medical examination. The investigation is complete and the charge-sheet is filed. Nothing remains to be recovered at the instance of application. Hence, further incarceration of the applicant is unjustified. As such, it is prayed that the application may be allowed.

4. The learned APP and the learned counsel for respondent No. 2 have vehemently opposed the application, submitting that

the applicant has subjected the victim to sexual assault and as such, has indulged in a serious offence. The nature of the assault involving physical restraint and forcible intercourse, demonstrates a depraved mindset that warrants continued incarceration. 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.

5. Considering the submissions of both the sides and perusing the material on record, including the charge-sheet, it appears that initially, the alleged incident occurred on 11.08.2025 at 02:00 p.m., yet the FIR is registered on 12.08.2025. It prima faice indicates the delay, provides opportunity for deliberation.

6. The medical report indicates that the victim sustained neither internal nor external injuries to her body. Furthermore, the provisional medical opinion explicitly states there were no visible injuries to the genitals as alleged in the FIR.

7. Considering the nature of the allegations that the victim was forcefully subjected to non-consensual intercourse, the medical expectation would be the presence of struggle-related trauma or

physical marks. The absence of such findings strongly suggests the possibility of false-implication and undermines the credibility of the allegations.

8. Apart from the aforesaid aspect, the investigation is complete for all intent and purposes. Resultantly, the charge-sheet is filed. Having regard to the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. The arrest of the applicant is effected on 13.08.2025. Since then, the accused is in jail.

9. 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.

10. Keeping in view the peculiar facts and circumstances of the case, the applicant's right to liberty needs to be upheld by imposing stringent conditions. The learned APP's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions. In that view of the

matter, the applicant deserves to be released on bail.

11. Hence, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Mungalya @ Mangalya Bonda 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. 142 of 2025 registered with Dhadgaon Police Station, Dist. Nandurbar for the offences punishable under Sections 64(1), 64(2)(f), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4(2) 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 enter into the village Goramba Rawalpada, Tq. Dhadgaon, Dist. Nandurbar, till conclusion of the trial.
 - (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