



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

BAIL APPLICATION NO.2515 OF 2025

Chudaji s/o Maroti Shinde **... APPLICANT**

VERSUS

The State of Maharashtra & anr. **... RESPONDENTS**

.....
Mr. S.K. Chavan, Advocate for applicant
Mr. C.V. Bhadane, A.P.P. for respondent No.1 – State
Mr. J.S. Jain, Advocate for respondent No.2 (appointed)
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 20th FEBRUARY, 2026

PER COURT :

The applicant seeks release on regular bail in connection with Crime No.399/2025, registered with Palam Police Station, District Parbhani for the offences punishable under Sections 74, 62, 64 of the Bhartiya Nyaya Sanhita and Sections 4, 6, 11, 12 of the Protection of Children from Sexual Offences Act.

2. The prosecution case is that, on 12/9/2025 at about 9.00 a.m., when the informant and his wife proceeded for their

respective work and his daughter had gone in Anganwadi. In the afternoon at about 12.00 to 12.30 p.m., the informant had been to his house for lunch. At that time, the applicant was found on a cot in the house of the informant and removed the garment of his daughter and was touching his daughter by hands and legs. His daughter was crying. Noticing the informant, the applicant ran away. On enquiry, his daughter informed that, while she was playing outside the house, the applicant took her in the house and took her on the cot and removed her garment. The informant reported the incident to his wife on phone and thereafter on arrival of wife, the F.I.R. is lodged.

3. Learned counsel for the applicant submits that, the applicant has been falsely implicated in the present case. The prosecution has not recorded statement of any of the independent witnesses although were available. On account of prelude the applicant has been falsely implicated. The investigation is complete and charge sheet is filed. As such, further incarceration of the applicant is unjustified. Hence, prayed to allow the application.

4. Per contra, learned A.P.P. and learned counsel for respondent No.2 vehemently opposed the application contending

that, considering the age of the applicant and the victim, the applicant has indulged in a serious offence, which disentitles him to be admitted to bail.

5. Upon considering the rival submissions advanced by learned counsel for both the sides and perusal of the material on record, prima facie, indicates that, during the time of incident, none of the members of the household were present except the father/informant, who allegedly noticed the applicant with his daughter.

6. However, there are no eye witnesses even though the applicant dragged the victim while she was playing outside the house. As such, there is possibility of false implication. In absence of independent witness, prima facie, prosecution case appears of false implication. Apart from the aforesaid aspect, the fact that the investigation is complete and charge sheet is filed. In that view of the matter, the applicant deserves to be admitted to bail. Moreover, the applicant is 63 years old. Hence, further detention would be unwarranted.

7. Nevertheless, the investigation is complete for all intents and purpose. The charge sheet is filed. Considering the number of witnesses the prosecution seeks to examine, the trial is

unlikely to conclude within a reasonable period. The apprehension expressed by learned A.P.P. and learned counsel for respondent No.2 can be adequately taken care of by imposing stringent conditions upon the applicant. Hence, further incarceration of the applicant would be unjustified.

8. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Chudaji Maroti Shinde 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 in any way.
 - (b) The applicant shall remain present on each date, unless exempted by the trial Court.
 - (c) The applicant shall not enter the limits of Palam, District Parbhani till conclusion of the trial, except for attending the dates in the trial.
 - (d) In case of breach of any of the conditions, the prosecution or the informant shall be at liberty to

approach the concerned Court seeking cancellation of the bail notwithstanding the fact that this Court has granted bail to the applicant.

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

(SACHIN S. DESHMUKH, J.)

fmp/-