



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

BAIL APPLICATION NO.2526 OF 2025

1. Vishal Sanjay Malich (Bhil)
2. Sanjay Dilip Thakre (Bhil) ... **APPLICANTS**

VERSUS

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

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Mrs. Sabahat T. Kazi, Advocate for applicants
Mr. P.P. Dawalkar, A.P.P. for respondent No.1 – State
Ms Smita P. Kasture, Advocate for respondent No.2 (appointed)

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 20th FEBRUARY, 2026

PER COURT :

1. The applicants seek release on regular bail in connection with Crime No.135/2025, registered with Sarangkheda Police Station, District Nandurbar for the offences punishable under Sections 70(2), 64(2)(i), 64(2)(m), 351(2)(3) of the Bhartiya Nyaya Sanhita and Sections 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act.

2. The prosecution case is that, the informant lady, her

minor daughter and the applicants used to go to labour work. Prior to 4 days of the incident, the victim child was complaining about stomach pain. Therefore, her parents took her to hospital, where shockingly the doctor disclosed that she was pregnant. The victim disclosed that the both the applicants developed friendship and demanded sexual satisfaction from her by threatening to kill her parents. Despite her resistance, they used to stalk her while she was going for nature's call. Prior to 4 months, the applicant Vishal chased her and dragged her in bushes and established physical relations with her against her wish. Then after two days, the applicant Sanjay took her behind bush and committed forcible sexual intercourse with her. The applicants threatened her to kill her and her father if she discloses about the incident to anybody.

3. Learned counsel for the applicants submits that, the applicants have been falsely implicated in the present case. There is inordinate delay in registering the F.I.R. The investigation is complete and charge sheet is filed. As such, further custody of the applicants is not required. 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, a minor girl has been sexually assaulted, resulting into

pregnancy, which eventually came to be terminated.

5. Having heard the learned counsel for both the sides and upon perusal of the record including the charge sheet, indicates that, the F.I.R. was lodged only upon noticing that the victim was pregnant, which allegedly led to the disclosure of the names of applicants by the victim. For such delay, no explanation is forthcoming. Pertinently, till the discovery of victim's pregnancy, no alarm was raised by the victim to her parents. Furthermore, the allegations levelled against the applicants having similar role to both of them. Therefore, there is possibility of over-implication.

6. Nevertheless, the investigation is complete and charge sheet has been filed. Moreover, with the number of witnesses the prosecution seeks to examine, the trial is unlikely to conclude within a reasonable period. Therefore, further incarceration of the applicants is unwarranted. The apprehension expressed by learned A.P.P. can be adequately taken care of by imposing stringent conditions upon the applicant.

7. Hence the order :

ORDER

(i) Bail Application is allowed.

- (ii) The applicants Vishal Sanjay Malich (Bhil) and Sanjay Dilip Thakre (Bhil) be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) each with one solvent surety of the like amount by each of them in the above crime, on the conditions that :
- (a) The applicants shall not tamper with the prosecution witnesses in any manner.
 - (b) The applicants shall remain present on each date, unless exempted by the trial Court.
 - (c) In case of breach of any of the conditions, the prosecution or the informant can approach the concerned Court seeking cancellation of bail of the applicants notwithstanding the fact that this Court has granted the 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/-