



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

937 BAIL APPLICATION NO. 2528 OF 2025

Subhash Lachiya Chavan Alias ChouhanApplicant

VERSUS

The State of MaharashtraRespondent

Mr. D. A. Madake, Advocate for Applicant.

Mr. B. B. Bhise, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 28th JANUARY, 2026.

PER COURT :

1. Applicant seeks regular bail in connection with Crime No. 309/2024 registered with Ramanand Police Station, Dist. Jalgaon, for the offences punishable under Sections 64, 115(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution case is that on 17.09.2024 at about 9.00 am, the wife of the Applicant came to the victim and requested her to fetch water for them since she is going for work. Accordingly, at about 11.00 am to 12.00 noon, the victim had been to the hut of the Applicant. At that time, Applicant closed the doors of the hut and committed sexual assault by threatening her. On this backdrop, First Information Report came to be lodged.

3. Learned Counsel for the Applicant submits that the Applicant is falsely implicated in the offence. There is unexplained delay of about 16 days in lodging First Information Report. It is further submitted that the statement of the husband of the victim is rather inconsistent with the version of the victim, as such does not support the case of prosecution. Investigation in the crime is complete and charge-sheet is filed. Hence, further incarceration of the Applicant is not warranted.

4. Per contra, learned APP vehemently opposed the application by pointing out seriousness of the crime. The First Information Report and material on record discloses complicity of the Applicant in the crime. An apprehension is expressed that if the Applicant is enlarged on bail, there is every possibility of tampering with prosecution evidence. Hence, prayed to reject the application.

5. Upon hearing submissions of both sides and on perusal of the record, including charge-sheet, it prima facie appears that there is delay in lodging First Information Report which is not explained. Further, there is material inconsistency in the statement of husband of the victim in relation to occurrence of the incident.

6. Nevertheless, investigation in the crime is complete for all intent and purpose. Charge-sheet is also filed. In view of the fact that there is unexplained delay in filing First Information Report coupled with the fact that charge-sheet is already filed, no fruitful purpose would be served by further incarcerating the Applicant. Apprehension expressed by learned APP can be taken care by imposing stringent condition on the Applicant. In that view of the matter, I am inclined to exercise discretion in favour of the Application.

7. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Subhash Lachiya Chavan Alias Chouhan, be released on bail, on furnishing P.R. bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with Crime No. 309/2024 registered with Ramanand Police Station, Dist. Jalgaon, for the offences punishable under Sections 64, 115(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

(a) The Applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

(b) The Applicant shall attend the trial on each and every date unless exempted by the Trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.

(c) The Applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers of the 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 state that, nothing stated hereinabove shall be construed as an expression on merits of the case. Learned Trial court shall proceed independently and uninfluenced by the observations made hereinabove.

(SACHIN S. DESHMUKH, J.)