



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

BAIL APPLICATION NO. 2551 OF 2025

Rohit Ganesh Pandagale,
Age : 30 years, Occu. Labour,
R/o : Shahunagar, New Gaothan,
Ahilyanagar, Tq. & Dist. Ahilyanagar

... Applicant

VERSUS

1] The State of Maharashtra,
Through the Police Inspector,
Kotwali Police Station, Ahilyanagar
Tq. and Dist. Ahilyanagar

2] X.Y.Z.

... Respondents

...
Advocate for Applicant : Mrs. Sunita G. Sonawane
A.P.P. for Respondent/State : Mr. N.R. Dayma

CORAM : SHAILESH P. BRAHME, J.

DATE : 30.03.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No.361 of 2025 registered with Kotwali Police Station, District – Ahilyanagar for the offences punishable under Section 109(1), 140(1), 96, 118(1), 115(2), 351(3), 352, 189(2), 189(4), 189(9), 191(1), 191(2), 190, 324, 333 of Bharatiya Nyaya Sanhita, 2023, under section 4, 6, 8, 12, 17 of the POCSO Act, 2012.

3. The applicant is behind the bar on 17.04.2025. Chargesheet is filed on 27.01.2026.

4. It is alleged in the FIR that accused persons abused, assaulted and sexually molested the informant Shubham, Sahil and Virat by forming unlawful assembly. Applicant is stated to be one of them and present at the relevant time. It is then alleged that the atrocities were videographed and the victims were threatened and shifted from one place to another.

5. The informant is stated to have been denuded and sexually assaulted which was also videographed. Applicant is stated to have throttled the neck of the informant.

6. Learned counsel for the applicant submits that the provisions of POCSO Act, cannot be made applicable and no specific role is attributable to the applicant. It is submitted that statements under section 183 BNSS does not show the presence of the applicant. Transcription of the CCTV footage installed in one of the hotels as well as transcription of mobile videography do not show any role of the applicant. Nothing is recovered from the applicant. Though two offences are pitted against him, they cannot be made the sole ground to deny bail.

7. Learned APP vehemently draws attention of this Court to the statements of the witnesses who are victims. It is submitted that presence of the applicant all the while is seen at various places where the offence took place. It is submitted that the chargesheet is filed for forming unlawful assembly. Act of the applicant though venial, would attract the provisions and attribute him. It is further submitted that the photograph recovered during the course of investigation shows that applicant was holding knife. It is submitted that considering the antecedents, applicant is not entitled to bail.

8. First Information Report discloses that applicant was present at the relevant time along with other persons and he attempted to throttle the neck. The transcription of the CCTV footage recovered from a hotel shows that the other accused were seen quarreling with the victims but the presence of the victims is not there. I have gone through the statements of Shubham, Sahil and Virat who are victims also. No specific role is attributable to the applicant. The victims were knowing the applicant. They could have attributed specific role. I have also considered the statements of the informant under section 234 of BNSS which is inconsistent with the FIR to the extent of the role of the applicant.

9. The photograph shown by learned APP has been disputed by the applicant. My attention is adverted to another photograph which is at page 154 of the chargesheet. There is room to say that the identification of the applicant is

disputed. It would be matter of trial to draw final and appropriate conclusion. Two offences are pitted against the applicant as criminal antecedents but bail cannot be denied on that sole count.

10. The investigation is over. There is sufficient incarceration and the applicant is entitled to be released on bail on certain conditions.

11. Hence, I pass the following order :-

I) The Bail Application is allowed.

II) The applicant shall be released on bail in connection with Crime No. 361 of 2025 registered with Kotwali Police Station, District – Ahilyanagar for the offences punishable under Section 109(1), 140(1), 96, 118(1), 115(2), 351(3), 352, 189(2), 189(4), 189(9), 191(1), 191(2), 190, 324, 333 of Bharatiya Nyaya Sanhita, 2023, under section 4, 6, 8, 12, 17 of the POCSO Act, 2012, on following conditions:-

(a) The applicant shall furnish P.R. bond of Rs.20,000/- (Rs. Twenty Thousand only) with one solvent surety of like amount.

(b) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(c) The applicant shall stay away from entire Kedgaon as well as entire Ahilyanaga Taluka, District – Ahilyanagar, till the conclusion of the trial.

(c) The applicant shall furnish his mobile/cell number and address to the investigating officer.

(d) The applicant shall surrender Adhaar and PAN Cards to the Investigating Officer.

(SHAILESH P. BRAHME, J.)

arp/-