



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

BAIL APPLICATION NO.2582 OF 2025

Gorakh Pandurang @ Nana Salunkhe ... APPLICANT

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....
Mr. Vaibhav D. Karande, Advocate for applicant
Mr. G.O. Wattamwar, A.P.P. for respondent Nos.1 & 2
Ms Pallawi Gawande, Advocate for respondent No.3 (appointed)
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 9th FEBRUARY, 2026

PER COURT :

1. The applicant seeks release on regular bail in connection with Crime No.08/2025, registered with Mehunbare Police Station, District Jalgaon for the offences punishable under Sections 64(1), 64(2)(i), 64(2)(m), 65(1), 318(4), 329(4), 351(3), 238(kh)(b), 88, 89, 49, 336(1) of the Bhartiya Nyaya Sanhita, 2023, Sections 4, 5(1), 6, 8, 12, 19(1) of the Protection of Children from Sexual Offences Act and Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2)(v),

3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 5(3), 5(4), 7(b) of the MTP Amendment Act, 2021.

2. The prosecution case is that, the applicant being friend of father of the victim, developed cordial relations with the family of victim and therefore, the father of the victim permitted him to sleep in his house. On 6/9/2024 at 10.00 p.m., the applicant, came in the house of the victim and shared the bed. In the midnight, the applicant committed forcible sexual intercourse with her and threatened not to disclose the same to anybody. Thereafter, the applicant committed sexual intercourse with the victim 3 to 4 times. The victim missed her menstrual cycle, therefore, her mother took her to the hospital and after sonography, the doctor indicated the victim was pregnant. Eventually aborting took place.

3. Learned counsel for the applicant submits that, the applicant has been falsely implicated in the present case. The alleged incident occurred on 6/9/2024 in relation to which the report is lodged on 14/1/2025. As such, there is inordinate delay which is not explained. As such, prayed to allow the application.

4. Per contra, learned A.P.P. and learned counsel for respondent No.3/ victim vehemently opposed the application and submitted that the victim is minor and the applicant has committed the serious offence. The learned counsel for the respondent No.3/ victim has further expressed an apprehension that if the applicant is released on bail, there is possibility of the applicant threatening the victim and also prosecution witnesses.

5. Having considered the submissions from both the sides and upon perusal of the record including the Chargesheet prima facie indicates that there is unexplained inordinate delay in lodging the F.I.R. The victim and the applicant were acquainted with each other and had established physical relationship on several occasions. It is pertinent to note that, the victim nowhere raised any objection or alarm to her parents regarding the same. Prima facie, it is only after the discovery of the victim's pregnancy and consequential abortion the report came to be lodged. As such, there is possibility of over-implication.

6. Moreover, the applicant is in custody since 15/1/2025 i.e. for more than a year. The investigation is complete and the chargesheet is filed. Hence no fruitful purpose would be served by

keeping the applicant behind the bars and same would amount to pretrial detention of the applicant which would be unjustified. The apprehension expressed by learned counsel for respondent No.3 can be taken care of by imposing stringent conditions.

7. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Gorakh Pandurang @ Nana Salunke 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.
- (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.3, as per rules.

(SACHIN S. DESHMUKH, J.)

fmp/-