



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2437 OF 2025

BANDU ALIAS JAYSINGH SHRIMANT WARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Satej S. Jadhav i/b Mr. Atharva D. Khedkar

APP for Respondents-State : Mr. P. P. Dawalkar

Advocate for Applicant in Cri.Appln. : Mr. S. R. Andhale

WITH
CRIMINAL APPLICATION NO. 196 OF 2026
IN BA/2437/2025

CORAM : SACHIN S. DESHMUKH, J.

Date : 17th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 21.06.2025 bearing Crime No. 685 of 2025 registered with Pathardi Police Station, Dist. Ahilyanagar for the offences punishable under Sections 64(2)(i) and 64(2)(k) of the Bharatiya Nyaya Sanhita, 2023 and Sections 92 of the Right of Persons with Disabilities Act.

2. The complaint came to be lodged with an assertion that the complainant is the husband of the victim, who is his second

wife and is speech and hearing impaired. Due to a medical operation undergone by the complainant in December 2021, the informant has been physically incapable of sexual intercourse. Between April and May 2025 (approximately 6 to 7 months prior to the FIR). Unknown assailant entered the agricultural land and committed forceful sexual intercourse with the victim. The incident came to light around October 2025, when the complainant noticed the victim's enlarged abdomen. Upon questioning, the victim communicated the assault through signs and gestures. Subsequent medical examination at Beed confirmed the victim was 25 weeks pregnant. Consequently, the complainant lodged a complaint against the unidentified perpetrator, leading to the registration of the FIR.

3. It is further alleged that during the course of investigation, the supplementary statement of complainant was recorded implicating the applicant as the perpetrator. Consequently, the applicant was arrested on 17.09.2025 and remained in Police Custody Remand until 23.09.2025. He was subsequently transferred to magisterial custody and has remained incarcerated since that date.

4. The learned counsel for the applicant submits that the applicant is an innocent person and has not committed the alleged offence. There is a significant delay of approximately 6 to 7 months from the date of the alleged incident (April 2025) to the registration of the FIR. The naming of the applicant during the course of investigation, after unexplained silence, indicates possibility of false implication. The investigation is complete and the charge-sheet is filed. The further incarceration of the applicant is unjustified. As such, it is prayed that the application may be allowed.

5. The learned APP and learned counsel for respondent No. 3 have vehemently opposed the application, submitting that the applicant has committed a heinous crime of forceful sexual intercourse under Section 64 of the BNS. The gravity of the offence, involving the violation of a woman's modesty, disentitles the applicant from claiming the bail. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence. As such, prayed to reject the application.

6. Considering the submissions of both the sides and perusing the material on record, including the charge-sheet, there

is a significant and unexplained delay of approximately six to seven months in registering the FIR. While the victim's speech and hearing impairments are noted, the prosecution has failed to provide a prima facie justification for the incident, allegedly occurred in April 2025, was only reported in October 2025 once the pregnancy became apparent. This delay prima facie creates a substantial lacuna in the narrative, raising the possibility of over-implication.

7. Furthermore, the fact that the FIR was initially registered against an unknown person and the applicant was only named much later via a supplementary statement on 17.09.2025, prima facie weakens the case for continued pretrial detention.

8. Apart from the aforesaid aspect, the investigation of the case is complete and the charge-sheet is also filed. Nothing remains to be recovered at the instance of applicant. Thus, no fruitful purpose would be served by keeping the accused behind the bar.

9. Keeping in view the peculiar facts and circumstances of the case, the applicant's right to liberty needs to be upheld by

imposing stringent conditions. The learned APP's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions. In that view of the matter, the applicant deserves to be released on bail.

10. Hence, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Bandu @ Jaysingh shrimant Ware be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 685 of 2025 registered with Pathardi Police Station, Dist. Ahilyanagar for the offences punishable under Sections 64(2)(i) and 64(2)(k) of the Bharatiya Nyaya Sanhita, 2023 and Sections 92 of the Right of Persons with Disabilities Act, on the following conditions :-
 - (a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (b) The applicant shall not enter into the village Bhalgaon, Tq. Pathardi, Dist. Ahmednagar, till conclusion of trial.
 - (c) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution

evidence, in any manner.

- (d) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
- (e) 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 states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.
- (IV) Resultantly, the criminal application also stands disposed of.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi