



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

BAIL APPLICATION NO. 14 OF 2026

BISAN ALIAS BHISAN RAYSING DHAWLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Nilesh N. Bhagwat
(Appointed through Legal Aid)
APP for Respondent No.1: Mr. D. B. Bhange
Advocate for Respondent No.2 : Mr. Ranjana D. Reddy
(Appointed through Legal Aid)
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 22-01-2026

PER COURT:-

1. The applicant seeks bail in connection with Crime No.I-0170 of 2025 dated 15.09.2025 registered with Police Station Tembhurni, District Jalna, for the offences punishable under Sections 65(2) of the *Bharatiya Nyaya Sanhita, 2023* and Sections 4, 6, 8, 10 and 12 of the Protection of Children from Sexual Offences (POCSO) Act. In the said crime, the applicant was arrested on 15.09.2025. After completion of the investigation, the chargesheet has been filed.

2. The prosecution's case is that on September 14, 2025, the applicant took the victim into the house, closed the door, and had forcible physical relations with her. Upon hearing a hue and cry,

Raju and his neighbor rushed to the front of the house. The applicant opened the door, and the victim was taken outside. The victim then disclosed the incident, leading to the lodging of the complaint.

3. The learned counsel for the applicant submits that the applicant did not commit the alleged offense and nothing has been recovered from him. There is an unexplained delay in lodging the complaint. The applicant is an 60-year-old person, suggesting the allegations are false and fabricated. Furthermore, the medical evidence does not support the prosecution case. The applicant is suffering from various ailments due to old age. The counsel points out inconsistencies and discrepancies in the statements of the informant and other witnesses. As the applicant has no criminal antecedents, further incarceration of the applicant is not warranted.

4. The learned A.P.P. and learned counsel for respondent No.1 have strongly opposed the application and submitted that the offense is serious in nature. The victim was barely 11 years old at the time of the incident, and the applicant is involved in a serious offense. Further, expressed apprehension that if the applicant is released on bail, there is every possibility of tampering with the prosecution evidence. Hence, they prayed that the application be rejected.

5. Having heard the submissions from both sides and upon considering the material on record, indicates that when the applicant allegedly called the victim into his house and established physical relations, the victim shouted. The neighbors, Raju and Bhisn, then entered the house and rescued the victim. This fact is further corroborated by the statements of the witnesses. As such, a *prima facie* case is established against the applicant.

6. Moreover, the medical report (MLC) further corroborates the allegations leveled against the applicant by the victim and the witnesses. Considering the gravity and the heinous nature of the offense committed against a minor victim, this court is not inclined to exercise its discretion to grant bail.

7. Resultantly, the bail application is rejected.

8. The High Court Legal Services Sub-Committee, Aurangabad, to pay the fees to the appointed learned counsel on behalf of the applicant and the learned counsel for respondent No. 2, as per rules.

[SACHIN S. DESHMUKH]
JUDGE