



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

952 BAIL APPLICATION NO. 23 OF 2026

Madhav Prabhu Pandit

....Applicant

VERSUS

The State of Maharashtra & another

.....Respondents

Mr. N. L. Dhobale, Advocate (appointed) for Applicant.

Smt. R. R. Tandale, APP for the State.

Mr. Shaikh Aadil Ajimoddin, Advocate (appointed) for Respondent No. 2.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 20th FEBRUARY, 2026.

PER COURT :

1. Applicant has preferred this application seeking regular bail in connection with Crime No. 105/2024 registered at Hingoli Rural Police Station, Dist. Hingoli, for the offences punishable under Sections 376(2)(f), 354-A, 323, 506 of Indian Penal Code and Sections 4, 8, 10 of Protection of Children from Sexual Offences Act.

2. The case of the prosecution is that the victim is a minor girl aged 17 years and accused is her real father. The victim lost her mother during childhood. It is alleged in the First Information Report that the accused used to assault the victim under influence of liquor. In the year 2023, accused entered the house in drunken condition

and sexually assaulted the victim and threatened not to disclose the incident to anybody. Thereafter, meantime, the accused forcibly committed sexual assault against her will.

It is further alleged that on 27.02.2024 at about 11.30 pm, when the victim had slept alone in the house, the accused forcibly committed sexual intercourse against her will and when she opposed for the same, had assaulted by kicks and fist blows. Immediately, the victim ran from the house. On 28.02.2024 at about 8.00 am, accused took her back to home. Under the apprehension that the accused would assault, victim rushed to the Sarpanch of the village and lodged the First Information Report.

3. Learned Counsel for the Applicant submits that the Applicant is falsely implicated in the crime. The allegations levelled against the Applicant are false and vague. There are no criminal antecedents against the Applicant. Further, the medical examination report does not support the case of the prosecution. Investigation in the crime is complete and charge-sheet is filed. Applicant is behind the bars since 29.02.2024. Hence, it is prayed that considering the prolonged incarceration, the Applicant be enlarged on bail.

4. Per contra, learned APP and learned Counsel for Respondent No. 2 vehemently opposed the application submitting that the Applicant is involved in a serious crime. Applicant, who is the biological father of the victim, is involved in the heinous act of forcibly sexually assaulting his minor daughter. An apprehension is also expressed that if the Applicant is enlarged on bail, there is every possibility of tampering prosecution evidence. Hence, prayed to reject the application.

5. Upon considering submissions of both sides and on perusal of record, including charge-sheet, it is evident that the victim is a minor girl aged 17 years and the Applicant is her biological father. The Applicant is alleged to have committed repeated acts of sexual assault involving his own daughter while she was under his care and protection. The offence alleged is not merely an act of physical violation but constitutes a profound breach of trust, safety and parental responsibility.

6. It is well settled that in offences under the POCSO Act, the relationship between the accused and the victim is a crucial factor.

In the present case, the accused is the biological father of the victim and as such the offence stands on a graver footing as the act amounts to a gross breach of trust. Considering the nature of allegations, the age of victim and the likelihood of the Applicant influencing the victim and prosecution witnesses, releasing the Applicant on bail would pose a serious risk to the fair conduct of trial.

7. Moreover, the primary objective of the POCSO Act is to protect the children by all means and through all stages of a judicial process. Despite the safeguards provided by the Constitution, children remain vulnerable populace in our society and are victims of several crimes committed against them. Crime against children, especially the crime of sexual nature has adverse impact on the victim leaving with a long life trauma. Hence, while exercising discretion, the Court has to bear in mind the protection and well being of the minor victim.

8. So far as the submission with regard to prolonged incarceration and absence of criminal antecedent is concerned, it cannot outweigh the gravity of the offence and the statutory mandate of the POCSO

Act, particularly when the victim is vulnerable and closely related to the accused.

9. In view of the aforesaid circumstances, this Court is of the considered view taking into consideration the nature of allegations, the relationship between the accused and the victim and the statutory presumptions operating under POCSO Act, do not justify exercise of discretion in favour of the Applicant.

10. In the result, application does not deserve consideration. Resultantly, the same stands rejected.

11. The High Court Legal Services Sub-Committee, Aurangabad, to pay fees of learned Counsel appointed for Applicant and Respondent No. 2 as per rules.

(SACHIN S. DESHMUKH, J.)

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