IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 86 OF 2026

GOPAL ABASAHEB SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Advocate for Applicant : Mr. Rahul P. Cheble
APP for Respondent No.1 : Mr. P. P. Dawalkar
Advocate for Respondent No.2 : Ms. P. L. Kale (Appointed)
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 16-02-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.0374 of 2025 dated 08.10.2025 registered with Renapur Police Station, District Latur, for the offences punishable under Sections 137(2), 64(1) and 65(1) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4 and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012. In the said crime, the applicant was arrested on 09.10.2025. After completion of the investigation, the chargesheet has been filed.

2. The prosecution’s case is that the victim is a minor girl, aged 14 years. On 08.10.2025, the informant, who is the victim’s father, lodged a missing report. According to the report, the victim was a student in the IX standard. On 03.10.2025, she left home for school at approximately 8:00 am as per her usual routine, but failed to return. Despite extensive search by the family, the victim

could not be traced. On the basis of this information, the present crime was registered for the aforementioned offences.

3. During the course of the investigation, the victim was traced to the Tuljapur Bus Stand on 09.10.2025, where she was found in the company of the accused. In her statement recorded by the police on the same day, she stated that she was previously acquainted with the accused and that they were on speaking terms. According to her statement, on 03.10.2025, the accused was waiting outside her school with a motorcycle. She accompanied him first to Tuljapur and subsequently to Pune, where they stayed at the residence of the accused's friend. It was at this location that the first instance of sexual intercourse occurred. The duo thereafter travelled to Mumbai, returned to Solapur, and then travelled back to Pune before finally returning to Tuljapur. After obtaining funds from the family members of the accused, they were waiting for a bus at the Tuljapur Bus Stand. Personnel attached to the Tuljapur Police Station spotted the duo and took them into custody.

4. Learned counsel for the applicant submits that that the applicant has been falsely implicated and that he is still undergoing medical treatment for multiple fractures and physical limitations resulting from a serious past accident. It is submitted that the prosecution's case is marred by an unexplained delay in lodging the report and significant inconsistencies between the

victim’s police statement and the medical history regarding the date, place, and occurrence of the alleged acts.

5. It is further pointed that the discrepancy in the victim’s age, same being between 14 to 18 years in the medical report, and points out that the victim voluntarily accompanied the applicant as per the prosecution’s own narrative. The investigation is complete, the charge-sheet is filed, and no further recovery is pending. There are no criminal antecedents and applicant has been in custody since 09.10.2025. Thus, prayed to allow the application.

6. The learned APP for respondent No.1/State and the learned counsel for respondent No.2/victim strongly opposed the application and contended that the victim is just 14 years old at the time of the incident. As per statement of the victim indicates that there was forcible physical assault with the victim and, therefore, the offence is serious in nature. Hence, prayed to reject the application.

7. Upon considering the submissions and perusing the material on record, including the statement of the victim *prima facie* indicates that the victim remained in the company of the applicant for a considerable duration across multiple places without raising any alarm or attempting to contact her parents. The statement of the victim, *prima facie,* suggests that the victim accompanied the applicant of her own accord, and there is a prima facie absence of evidence regarding any protest, resistance, or coercion at the

instance of the applicant.

8. Furthermore, *prima facie,* there exist significant discrepancies regarding the victim's age and the medical evidence on record. The medical opinion places the victim in an age bracket of 14 to 18 years, making her contemporary in age to the applicant. The inconsistencies between the history narrated to the Medical Officer and the statement given to the police regarding the alleged sexual assault raise, *prima facie,* a reasonable doubt as to the prosecution’s narrative. At this stage, the possibility of over-implication cannot be ruled out, especially considering the delayed nature of the allegations regarding physical assault.

9. Nevertheless, the investigation is completed for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further incarceration, in the circumstances of the case, does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

10. Hence, the following order:-

ORDER

(i) The bail application is allowed.

(ii) Applicant, Gopal Abasaheb Shinde, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand),

with one solvent surety of the like amount in Crime No.0374 of 2025 dated 08.10.2025 registered with Renapur Police Station, District Latur, for the offences punishable under Sections 137(2), 64(1) and 65(1) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4 and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, on the conditions that;

(a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

(b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.

(c) The applicant shall submit their Aadhar and Pan Cards to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.

(d) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to move this Court seeking cancellation of bail.

(iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad to pay the fees of the appointed counsel for respondent No.2/victim as per schedule.

(iv) Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH]
JUDGE

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