



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO. 159 OF 2026**

Shyam S/o Narayan Levde,
Age: 22 years, Occ. Agri/Education,
R/o. Khadakpura Galli, Gangakhed,
Tq. Gangakhed, District, Parbhani. ..Applicant

Versus

1. The State of Maharashtra,
Through Police Inspector,
Gangakhed Police Station,
Tal. Gangakhed, Dist. Parbhani.

2. XYZ ..Respondents

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Mr. Amol Ratan Gaikwad, Advocate for Applicant.

Ms. R. R. Tandle, APP for Respondents-State.

Mr. S. B. Solanke and Mr. Akash E. Madne (appointed), Advocate
for Respondent No.2.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 10th MARCH, 2026**

ORDER:-

1. The applicant seeks regular bail in connection with Crime No.559/2024 registered with Gangakhed Police Station, Dist. Parbhani for the offences punishable under Sections 64(1), 64(2) (i), 65(1) of Bhartiya Nyaya Sanhita, 2023, Section 4, 8, 12 and 17 of POCSO Act.

2. The investigation was set in motion on the basis of information given by respondent no.2/victim alleging that on 30.08.2024 accused requested her to have friendship with him. Thereafter, he took her to lodge and had forcible sexual intercourse. The investigation progressed in pursuance of

aforesaid FIR and charge-sheet is filed. The applicant is arrested on 31.08.2024.

3. On commencement of trial, respondent no.2/victim examined as witness in Special (POCSO) Case No.40/2024. She did not support prosecution case. She states that she do not know applicant/accused. Even evidence of father of respondent no.2 is recorded in trial, but he did not support case of prosecution. The respondent no.2 has filed her affidavit before this Court giving no objection to release applicant on bail.

4. The learned Advocate appearing for applicant submits that in all seven witnesses have been examined during course of trial. Considering evidence of victim and her father, there is no chance of conviction and, therefore, applicant be released on bail.

5. The learned APP vehemently opposes application. She would submit that merely because minor victim has turned hostile or settled dispute, there is no reason to grant bail when charge is for offence under POCSO Act. She relies upon judgment and order passed by Supreme Court in case of ***X Vs. State of Rajasthan & Anr. (Special Leave Petition (Criminal) No.13378/2024*** decided on ***27.11.2024***).

6. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that

applicant is aged 22 years. Even taking allegations in FIR as it is, it appears that victim had voluntarily accompanied him to lodge. During course of trial, she has not supported incident as narrated in FIR. The applicant is behind bar since long. The evidence of crucial witnesses is already recorded in trial. Looking the period of incarceration suffered by applicant and nature of evidence available on record, case is made out for grant of bail subject to certain conditions. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Shyam S/o Narayan Levde be released on bail in Crime No.559/2024 registered with Gangakhed Police Station, Dist. Parbhani for offences punishable under Sections 64(1), 64(2)(i), 65(1) of Bhartiya Nyaya Sanhita, 2023, Section 4, 8, 12 and 17 of POCSO Act on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:
 - a. The applicant shall not tamper with the prosecution evidence in any manner.
 - b. The applicant shall attend each and every effective date before the Trial Court.
 - c. The applicant shall not indulge in criminal activity.

(iii) The remuneration of Mr. Akash E. Madne, learned Advocate appointed to represent cause of respondent no.2 is fixed to Rs.10,000/-. The Secretary, High Court Legal Services Sub-Committee is requested to pay the same accordingly.

(iv) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE