



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

BAIL APPLICATION NO. 180 OF 2026

Shubham S/o Sanjay Navghare,
Age : 22 years, Occu. Agriculture,
R/o : At Post : Sayala, Tal : Palam,
Dist. Parbhani

... Applicant

VERSUS

1] The State of Maharashtra,
Through Police Inspector,
Police Station, Palam,
Tal. Palam, Dist. : Parbhani

2] XYZ (Informant)

... Respondent

...
Advocate for Applicant : Mr. N.E. Deshmukh
Addl. P.P. for Respondent/State : Mr. A.R. Kale
Advocate for respondent no. 2 : Mr. Rajesh H. Mewara

CORAM : SHAILESH P. BRAHME, J.

DATE : 30.03.2026

PER COURT :

Heard both sides.

2. Learned APP tenders on record affidavit on reply which is filed in pursuance of the order passed on earlier occasion.

3. Affidavit of Assistant Police Inspector, Purna Police Station, Purna states the circumstances to justify as to why the compliance was not made. I do not find any *mala fides* on the part of the Officer. The apology is accepted.

4. The applicant is seeking regular bail in connection with Crime No.83 of 2025, registered with Palam Police Station, Dist. Parbhani for the offences punishable under Section 64, 64(2)(m), 65, 70 of Bharatiya Nyaya Sanhita, 2023, under section 4, 8, 12 of POCSO Act, under section 9, 10, 11 of Prohibition of Child Marriage Act.

5. The applicant is facing allegation of sexual exploitation of respondent no.2 from the period 10.08.2024 to 01.03.2025. The allegations are levelled against the applicant and other persons also. As per the allegations, sexual encounter with the applicant is stated to be on 04.09.2024. The victim is stated to be minor at the relevant time. For the atrocities against her, her husband, parent, mother-in-law are also implicated as accused along with the other persons.

6. Earlier, the bail application of the applicant was rejected on 30.09.2025. Thereafter, present is the second successive bail application submitted on account of parity. The application of co-accused was allowed by this Court on 15.12.2025 (BA/1878/2025 and BA/1392/2025).

7. It is submitted by learned counsel for the applicant that only overt act against the applicant is of 04.9.2024. The applicant is arrested on 08.03.2025. Charge-sheet is filed on 05.05.2025. It is submitted that applicant is not further required to be detained.

8. Learned APP submits that there is material on record to show that applicant is involved in the offence in question and victim was minor. For that purpose, my attention was invited to the school record and Adhaar card. It is submitted that the offence is serious in nature and applicant was associated with the main perpetrator who is accused no. 1. Respondent no. 2 – victim has filed affidavit in reply before this Court, stating that her grievance is against accused no. 1 only. It is further submitted that his relatives are threatening her to withdraw the case.

9. Learned counsel appearing for respondent no. 2 reiterates that his client has grievance against accused no. 1.

10. I find that the role attributable to the applicant is for incident dated 04.09.2024. The co-accused are released on bail on 15.12.2025. The investigation is over and applicant is behind the bar since 08.03.2025. The statement under section 183 of the victim recorded implicates the accused no. 1 only. Though, there is some investigation showing the victim is minor, that by itself cannot be a ground to deny bail to the applicant.

11. I, therefore, pass the following order :-

ORDER

I) The Bail Application is allowed.

II) The applicant shall be released on bail in connection with Crime No.83 of 2025, registered with Palam Police Station, Dist. Parbhani for the offences punishable under Section 64, 64(2)(m), 65, 70 of Bharatiya Nyaya Sanhita, 2023, under section 4, 8, 12 of POCSO Act, under section 9, 10, 11 of Prohibition of Child Marriage Act, on the following conditions:

(a) The applicant shall furnish P.R. bond of Rs.40,000/- (Rs. Forty Thousand only) with one solvent surety of like amount.

(b) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(c) The applicant shall furnish his mobile/cell number and address to the investigating officer.

(d) The applicant shall co-operate the Investigating Officer as and when called for by the Investigating Officer.

(SHAILESH P. BRAHME, J.)

arp/-