



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

961 BAIL APPLICATION NO. 195 OF 2026

Prakash Namdeo Jadhav

....Applicant

VERSUS

The State of Maharashtra & another

.....Respondents

Mr. S. B. Surse, Advocate for Applicant.

Mr. G. O. Wattamwar, APP for the State.

Mr. S. P. Rathod, Advocate 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. 0461/2025 registered with Satara Police Station, District Chhatrapati Sambhajinagar, for the offences punishable under Sections 64(2)(f), 351-2, 352, 356-2 of Bharatiya Nyaya Sanhita, 2023 and Section 66-E of the Information and Technology Act.

2. The case of prosecution is that the victim is residing with her parents and children since last five years on account of dispute with her husband. Applicant is the husband of her cousin. There was friendship between them and when they went for travelling together, the Applicant had taken her photographs in his mobile. On

01.10.2025, when the victim was alone at house, Applicant came there and offered her cold drink. After consuming same, she felt unconscious. Thereafter, Applicant forcefully sexually assaulted her. Thereafter also, on several occasions, he sexually assaulted the victim against her will by threatening to viral the photographs in his mobile. On the basis of these allegations, First Information Report came to be lodged.

3. Learned Counsel for the Applicant submits that the Applicant is falsely implicated in the crime. There is inordinate and unexplained delay in lodging First Information Report. It is further submitted that the victim had acquaintance with the Applicant and there was consensual relation between them. Further, the mobile is seized from the Applicant and nothing further is to be recovered from him. Investigation in the crime is complete and charge-sheet is filed. Hence, prays to allow the application.

4. Per contra, learned APP and learned Counsel for Respondent No. 2 vehemently opposed the application submitting that the Applicant is involved in serious crime. It is further submitted that since the victim felt unconscious, her consent to the act of the Applicant is insignificant. Further an apprehension is also expressed that if the Applicant is enlarged on bail, there is every possibility of

tampering the prosecution evidence. Hence, prayed to reject the application.

5. Upon considering submissions of both sides and on perusal of the record, including charge-sheet, there appears to be inordinate delay in lodging First Information Report which is unexplained. As such, *prima facie*, the case of false implication cannot be ruled out. Further, mobile of the Applicant is recovered.

6. Nevertheless, investigation in the crime is complete for all purpose and intent. Resultantly, charge-sheet is filed. Applicant is arrested on 05.11.2025. Having regard to the aforestated circumstances, further incarceration of the Applicant is unjustified. I am, therefore, inclined to exercise discretion in favour of the Applicant.

7. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Prakash Namdeo Jadhav, be released on bail, on furnishing P.R. bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with Crime No. 0461/2025 registered with Satara Police Station, District Chhatrapati

Sambhajanagar, for the offences punishable under Sections 64(2)(f), 351-2, 352, 356-2 of Bharatiya Nyaya Sanhita, 2023 and Section 66-E of the Information and Technology Act., on the following conditions :-

- (a) The Applicant shall not pressurize the prosecution witnesses and 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 and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
- (c) The Applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers of the Applicant and two of the near relatives.
- (d) In case of breach of any of the conditions by the Applicant, it is open for the prosecution to move concerned Court seeking cancellation of bail.

(iii) Needless to state that, nothing stated hereinabove shall be construed as an expression on merits of the case. Learned Trial court shall proceed independently and uninfluenced by the observations made hereinabove.

(SACHIN S. DESHMUKH, J.)