



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 230 OF 2026

Ganesh Karbhari Kale,
Age 35 years, occ. Agriculture,
R/o. Itali, Tq. Manwat, Dist. Parbhani. ... **Applicant**

VERSUS

- 1) The State of Maharashtra,
Through Police in charge police
Station Manwat, Dist. Parbhani.
- 2) The Superintendent of Police,
Parbhani District.
- 3) XYZ ... **Respondent.**

...
Advocate for Applicant : Mr. Sudarshan J. Salunke
A.P.P. for Respondents/State : Mr. S.V. Hange
Advocate for Respondent no. 3 (Appointed) : Mrs. S.L. Awchar

CORAM : **SHAILESH P BRAHME, J.**

DATE : **01.04.2026**

PER COURT :

Heard both sides.

2. The applicant is seeking enlargement on regular bail in connection with Crime No.422/2025, registered with Manwat Police Station, District Parbhani, for the offences punishable under Section 64, 65 (1), 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023, under Section 4, 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 (POCSO Act), and under Section 3(1)(w)(i), 3(1)(w)(ii), 3(2), 3(2)(va), 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and under Section 66 (E) of the Information and

Technology Act.

3. The applicant is facing allegations of sexual exploitations of not only of the informant but her mother also. Besides that he is alleged to have taken nude photographs of her mother and threatened to circulate the same to father and social media. He is alleged to have blackmailed both the victims.

4. First information report lodged on 19.10.2025 shows that informant was first exploited before four to five months by showing nude photos of her mother. Then further sexual intercourse was made on 12.10.2025 and 13.10.2025. The threats were given by him on 19.10.2025.

5. The applicant is arrested on 25.10.2025. Charge-sheet is filed on 08.12.2025. In this backdrop, learned counsel Mr. Salunke for the applicant submits that entire prosecution story is false and concocted. It is submitted that the informant is being used to implicate the applicant and its a misuse of provisions of POCSO Act. To support the submissions, my attention is adverted to the statement of father, grandmother and medico legal report. It is submitted that at the most it can be inferred that applicant had relations with mother of the informant but there is hardly any incriminating material to connect him for the exploitation of the minor.

6. Learned A.P.P. repeats the submissions contending that its a serious offence involving exploitation of the minor as well as mother. It is submitted that clinching material is collected during investigation to show involvement of the applicant. My attention is adverted to statement of mother as well as statement of lodge owner Ashok. It is further contended that mobile handset of the applicant is seized, which contains obscene photos and videos of mother. The applicant is stated to be sexually pervert and not entitled to be released on bail.

7. Learned counsel Mrs. Awchar appearing for respondent no. 2 adopts

the statement of the learned A.P.P.

8. First information report discloses that preceding before four to five months of 19.10.2025, the applicant is alleged to have committed intercourse forcibly with the informant. Again, it was repeated on 12.10.2025 but on that day informant-minor disclosed the incident and the overt act to her parents. It further reveals that on 13.10.2025 the applicant had been to place of the informant. The statement of the grand mother corroborates that on 13.10.2025 applicant had been to their place and there was issue on count of payment of wages and exchange of words.

9. I have gone through statement of father recorded on 21.10.2025, which shows that on 13.10.2025 there was some disputes over payment of money. On the next date the witness received obscene photographs of his wife and on the same day oral complaint was registered with the police station. The entire statement does not spell out any overt act of the applicant with informant minor. First information report discloses that on 12.10.2025 only informant intimated overt act to her parents. It is incomprehensible as to why father did not disclose it to the police on 14.10.2025. Even mother also could have disclosed the overt act of the applicant with informant either to her husband or to the police. The statement of grand mother shows that she was also aware of the overt act of the applicant but she did not disclose it either to her son or to anybody.

10. I find substance in the submissions of the learned counsel Mr. Salunke that *prima facie* the allegations against the applicant in respect of sexual exploitation of the informant are suspicious. It reveals from the papers that applicant was having physical relations with mother of the informant, which is further supported by statement of lodge owner Mr. Ashok. It is evident that there were some disputes regarding payment of wages between the applicant and the mother of the informant. The informant refused to undergo the medical examination. A serious doubt is created regarding the

prosecution story. The applicant is behind bars since 25.10.2025. The trial is not likely to be concluded within short period. The applicant is entitled to be released on bail by imposing stringent conditions.

11. The Bail Application is allowed.

12. Applicant Ganesh Karbhari Kale shall be released on bail in connection with Crime No.422/2025, registered with Manwat Police Station, District Parbhani, for the offences punishable under Section 64, 65 (1), 351(2). 351(3) of the Bharatiya Nyaya Sanhita, 2023, under Section 4, 8 and 12 of the The Protection of Children from Sexual Offences (POCSO) Act, 2012 (POCSO Act), and under Section 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va), 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and under Section 66-E of the Information and Technology Act on following conditions:

(a) The applicant shall furnish P.R. bond of Rs. 50,000/- (Rs. Fifty Thousand only) with one or more 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 stay away from entire District Parbhani, till conclusion of the trial, save and except for attending the dates of the trial.

(e) The applicant shall furnish any information solicited from him by the investigating agency.

(f) The applicant shall surrender his Aadhar card and

PAN Card.

13. As the counsel for respondent no. 2 is appointed to represent informant-respondent no. 2, her fees is quantified at Rs. 7000/- (Rs. Seven Thousand only).

14. Bail application is disposed of.

(SHAILESH P BRAHME, J.)

mkd/-