



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

33 BAIL APPLICATION NO. 268 OF 2026

OM BALAJI PURI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Shinde Dhananjay M.
APP for Respondent/s-State : Mr. G. O. Wattamwar.
Advocate for Respondent No.2 : Mr. Pawar Vaibhav U.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 27.04.2026

PER COURT :-

1. Heard both sides.
2. The applicant is seeking bail in respect of offence bearing Crime No.408 of 2025, registered with Purna Police Station, District Parbhani for the offences punishable under Sections 65(1), 64(2)(m), 351(1) of Bharatiya Nyaya Sanhita and Section 4 of POCSO Act.
3. It is reported to the police by mother of the victim that the victim was in 9th standard in the month of September 2025. She reported to have pain. After approaching Medical Practitioner it reveals that she was pregnant. Thereafter, victim is stated to have disclosed the parents that she was being sexually exploited by applicant on the pretext of

marriage. Applicant is alleged to have given threats also for not disclosing the relations. He is alleged to have repetitively indulged in the sexual acts for five months.

4. The applicant is arrested on 15.10.2025. Charge-sheet is filed on 29.11.2025.

5. In this backdrop, learned counsel for the applicant submits that the victim was knowing the consequences and she voluntarily kept sexual relations. The statement of the victim under Section 181 and 183 are inconsistent with the prosecution theory. The statement of informant is also not in tune with First Information Report. My attention is adverted to the reports of chemical analysis including DNA which is shown to be mismatched.

6. Per contra, learned APP submits that undisputedly victim is of 14.6 years old at the relevant time. Applicant is a neighbour and was knowing her tender age. The victim was being constantly threatened and she was unable to approach parents about incident. Culpability of the applicant was evident since inception. The medical report of the victim is totally consistent with the prosecution theory.

7. Learned counsel appearing for respondent No.2 adopts the submissions. Additionally it is submitted that there is no reason to implicate the applicant. There is no any other cause or dispute between the parties. If the applicant is enlarged on bail there is every possibility of influencing prosecution witnesses. Undisputedly applicant was neighbour and the age of the victim was 14.6 at the relevant time. In such a case, the consent of the victim is inconsequential.

8. First Information Report refers that it was disclosed by the victim that she was being subjected to sexual intercourse under the pretext of marriage and later on under the threats for 5 to 6 months. The history given by the victim before the Medical Officer would disclose the repetitive indulgence in the sexual overt acts. The statement of the informant under Section 183 discloses that she was being ravished forcibly. The statement of the victim under Section 183 shows improvisation of calling by the applicant at home and forcibly keeping relations. The victim was made unconscious is coming for the first time. The statements are not consistent with the First Information Report.

9. The medical certificate shows episodes of multiple time. The opinion given by the Medical Officer would also disclose

evidence of sexual intercourse. At this juncture, it is difficult to conclude as to whether the episodes are forcible or there was criminal intention since inception. It would be the matter of trial. The report of the chemical analysis is inconsistent with the prosecution theory.

10. Applicant is behind bar since 15.10.2025. It is sufficient incarceration. No antecedents is reported against him. Only apprehension is that he is the neighbour of the informant. He can be enlarged on bail on stringent conditions. I, therefore, pass the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **OM BALAJI PURI** shall be released on bail in Crime No.408 of 2025, registered with Purna Police Station, District Parbhani for the offences punishable under Sections 65(1), 64(2) (m), 351(1) of Bharatiya Nyaya Sanhita and Section 4 of POCSO Act on furnishing P. R. bond of Rs.60,000/- (Rupees sixty thousands only) with one solvent surety of like amount on the following conditions :

- (a) The applicant shall not enter Erandeshwar as well as entire Purna Taluka till conclusion of the trial, save and except attending the dates of trial.
 - (b) The applicant shall inform his address and contact numbers to the Investigating Officer.
 - (c) The applicant, his parents, his relatives, his friends or anybody through him shall not contact the prosecution witnesses or tamper the evidence.
 - (d) Any complaint in respect of tampering or exerting of the pressure shall taken seriously and would entail in cancellation of bail.
 - (e) The applicant shall co-operate for expeditious disposal of the trial and attend the dates punctually.
 - (f) The applicant shall surrender his Aadhar Card and PAN Card to the Investigating Officer, if any.
- (iii) Bail application is disposed of accordingly.

(SHAILESH P. BRAHME, J.)

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vmk/-