



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

BAIL APPLICATION NO. 291 OF 2026

Siddheshwar Ganesh Jaybhaye,
Age: 30 years, Occu. Labour,
R/o. Dusarbeed, Tq. Sindkhed Raja,
District Buldhana.

**..Applicant
[Orig.Accused No.2]**

VERSUS

1] The State of Maharashtra,
Through Police Inspector,
Jawaharnagar Police Station,
Chh. Sambhajinagar (Aurangabad)

2] XYZ.

..Respondents

...

Mr. A.N.Nagargoje, Advocate for the Applicant.
Mr. B.B.Bhise, APP for Respondent-State
Mr.A.R.Muley, Advocate for Respondent no.2 [Appointed]

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 04.03.2026.**

ORDER:-

1] The applicant / accused no.2 seeks regular bail in connection with Crime No. 0392/2025, registered with Jawaharnagar Police Station, Chh. Sambhajinagar (Aurangabad), for the offence punishable under Section 64 (2) (f), 74, 78, 137 (2), 351 (2) and 3 (5) of the Bharatiya Nyaya Sanhita, 2023 as well as under Sections 4, 6, 8 and 12 of the POCSO Act.

2] The investigation was set in motion on the basis of information given by the respondent no. 2, alleging that she is taking education. Accused No.1 is a teacher in the School. He

expressed that he loved her and conveyed that he wanted to marry with her and leaving his wife and children. On 19.08.2025 accused No.1 along with one unknown person, whose face was masked, took her in a car. The unknown person was driving the car. The accused no.1 administered her intoxicated substance which made her unconscious. When she regained consciousness she noted injury marks on her neck. The blood was oozing from her private part. It is accordingly alleged that accused no.1 committed rape on her. The aforesaid information culminated into registration of the offence. The investigation progressed and finally charge sheet has been filed against the accused persons including the present applicant.

3] The applicant / accused no.2 came to be arrested on 03.11.2025. He was remanded to Police Custody till 06.11.2025. Since then he is behind bar.

4] After filing of the charge sheet, he moved an application for grant of regular bail before Special Court in Special Case No. 831/2025. However, his application came to be rejected vide order dated 19.01.2026.

5] Mr.Nagargoje, learned Advocate appearing for the applicant submits that the allegations in the FIR show that the accused no. 1 is a culprit of the offence under Section 64 (2) (f) of the BNS [Section 376 of the IPC] and under Section 4, 6, 8 and 12 of the POCSO Act. The FIR do not disclose the name of the applicant. His name appeared first time in the charge sheet, alleging that on 19.08.2025 he was the companion of the accused no. 1 as driver of the car. He would urge that the contents of charge sheet are bereft to demonstrate involvement of the applicant in commission of the offence. He would, therefore, urge to release the applicant on bail.

6] Mr.Bhise, learned APP and Mr.Muley, learned Advocate appearing for the respondent No.2 vehemently oppose the application.

7] Apparently, the contents of the FIR do not disclose the name of the applicant. It only refers that the accused no.1 dragged the respondent no.2 in the car. The another person, who was driving the car, had masked his face. Thereafter accused no.1 administered her the water. Apparently, the respondent no.2 has no reason to identify the driver. The identification parade is not conducted. The evidence in the charge sheet, *prima facie*, do not disclose the involvement of the applicant in commission of the offence. Even assuming the contents of the charge sheet to be true and correct, the role of the applicant is to the extent of driving the vehicle while the victim traveled along with accused no.1. In that view of the matter, further detention of the applicant would not be necessary. Hence, 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, Siddheshwar Ganesh Jaybhaye, be released on bail in Crime No. 0392/2025, registered with Jawaharnagar Police Station, Chh.Sambhajinagar (Aurangabad), for the offence punishable under Section 64 (2) (f), 74, 78, 137 (2), 351 (2) and 3 (5) of the Bharatiya Nyaya Sanhita, 2023 as well as under Sections 4, 6, 8 and 12 of the POCSO Act, on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) on following condition:

- a. The applicant shall not tamper with the prosecution evidence in any manner or pressurize witnesses.
 - b. The applicant shall attend each and every effective date of hearing before Sessions Court in Special Case No.831/2025.
 - c. The applicant shall not leave State of Maharashtra without prior intimation and submission of itinerary with the Sessions Court.
- (iii) Application is disposed of.
- (iv) The remuneration of Advocate appointed for the respondent no.2 is fixed to Rs.10,000 /-.

(S. G. CHAPALGAONKAR)
JUDGE

DDC