



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.296 OF 2026

Babasaheb s/o Raju Ghorpade
Age- 23 years, Occ. Labour
R/o. Chandai Teple, Tq. Bhokardan
Dist. Jalna.

Applicant.

Versus

1. The State of Maharashtra
through Police Inspector,
Hasnabad Police Station,
Tq. Bhokardan, Dist. Jalna.

2. XYZ

Respondents.

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Mr. P. P. More, Advocate for applicant.
Mrs. P. V. Diggikar, APP for respondent State.

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CORAM : S. G. CHAPALGAONKAR, J.
Reserved on : 12th MARCH, 2026
Pronounced on : 17th March, 2026

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ORDER:-

1. The applicant seeks regular bail in connection with Crime bearing No. 246 of 2025, dated 23.10.2025 registered with Hasnabad Police Station, Tq. Bhokardan, Dist Jalna for the offences punishable under Sections 64(2)(f), 65(1), 351(2), 351(3) of BNS and Section 3, 4(2), 5(k), 5(n) and 6 of Protection of Children From Sexual Offences Act, 2012 (for short POCSO Act.)
2. The investigation was set in motion on the basis of information given by respondent no.2 stating that on 22.10.2025 while she was proceeding towards home from her field, her elder daughter informed

that her second daughter has been ravished by the applicant and she has pains in stomach and genital part. She rushed to home. The victim is slow in understanding. On her interrogation, she confirmed that she was ravished by the applicant. On the basis of the aforesaid information, FIR no.246 of 2025 came to be registered with Hasnabad Police Station, District Jalna for the offences punishable under sections 64(2)(f), 65(1), 351(2), 351(3) of BNS and Section 3, 4(2), 5(k), 5(n) and 6 of the Protection of Children from Sexual Offences Act.

3. In pursuance to registration of aforesaid crime, applicant has been arrested on 23.10.2025. Since then, he is behind bar. On completion of investigation, applicant filed bail application below Exhibit 4 in Special Case No.329 of 2025, however, his application came to be rejected. Hence, this application.

4. Mr. More learned advocate appearing for applicant submits that applicant has been falsely implicated in aforesaid crime. He is in close relations with victim. However, due to internal disputes in the family, FIR has been registered against applicant. Mr. More, would submit that medical evidence do not support theory of prosecution. Alleged incident took place on 22.10.2025, however, FIR is lodged on 23.10.2025. Victim was medically examined immediately on the next day of the incident, however, there are no marks of the violence.

5. Per contra, learned APP vehemently opposed the application stating that offence is serious. Release of applicant on bail is likely to hamper smooth trial. Possibility of tampering with evidence cannot be ruled out.

6. Having considered submissions advanced by learned advocates appearing for respective parties and on perusal of record indicates that FIR has been lodged by mother of victim. Victim is aged about 14 years. She is slow in understanding. The applicant, who is in relation took her in a field, removed her undergarments and committed rape on her. Although, medical examination does not reveal signs, the report says sexual assault cannot be ruled out. Statement of the victim has been recorded before the Magistrate under section 183 of the Cr.PC. on 16.1.2026, wherein she is consistent about sexual assault on her. Statement of victim's sister is also supportive to the case of the prosecution. Prima-facie, there is no reason to disbelieve commission of offence by applicant.

7. Looking to the nature of offence, relationship between the parties, this Court do not find any reason to entertain the application for bail at this stage. Hence, this application stands **rejected**.

(S. G. CHAPALGAONKAR)
JUDGE