



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

BAIL APPLICATION NO. 353 OF 2026

Kaviraj @ Bapu Dayaram Mahajan,
Age : 31 Years, Occu. : Business,
R/o Near Mahabij, Erandol,
Tal. Erandol, Dist. Jalgaon. .. Applicant

Versus

The State of Maharashtra and another .. Respondents

Shri Vijay B. Patil, Advocate for the Applicant.
Mrs. P. V. Diggikar, A.P.P. for the Respondent No. 1.
Shri D. D. Pande, Advocate for the Respondent No. 2.

CORAM : SHAILESH P. BRAHME, J.
DATE : 27TH MARCH, 2026.

FINAL ORDER :

. Heard both sides. Applicant is seeking enlargement on bail in respect of offence bearing Cr. No. 154/2025 registered with Erandol Police Station, Tq. Erandol, Dist. Jalgaon for the offences punishable U/Sec. 351(3), 64(2)(m), 65(1) of the Bhartiya Nyaya Sanshita and Sec. 12, 4 & 8 of the Protection of Children from Sexual Assault Act.

2. A report is lodged by the victim herself on 04.10.2025 alleging that applicant had been to her place at Pavai on 29.09.2025 and threatened her of dire consequences if she did not marry. It is further alleged that in December 2023 when she was

at Erandol there was sexual assault with the victim. Due to threats extended by the applicant said incident could not be disclosed.

3. Applicant is behind bar from 05.10.2025. Charge sheet is filed on 21.11.2025.

4. In this backdrop, learned counsel for the applicant submits that there is huge delay in lodging first information report and concocted story has been stated in the report. It is submitted that there was love affair and applicant has been falsely implicated in the offence. The statement of the parents as well as of the victim U/Sec. 161 and 164 of the Criminal Procedure Code are mechanical and cannot be relied upon. Medico legal report does not support the prosecution story.

5. Learned A. P. P. submits that it is evident from the report that she was subjected to sexual assault. The victim and parents are consistent in their statement U/Sec. 164 of the Cr. P. C. The delay has already been explained in first information report.

6. It is submitted by the learned counsel appearing for the respondent – victim that there is apprehension and danger to the life of the victim and parents, if the applicant is released on bail.

7. It is evident that respondent No. 2 – victim is a minor. The first sexual assault occurred in December 2023. It was

disclosed due to the threats extended by the applicant, report could not be lodged. On 29.09.2025 when applicant again contacted the victim at Pavai, Mumbai, first information report came to be filed on 04.10.2025. The fact remains that there are alleged overt act of the year 2023, report is lodged on 04.10.2025.

8. Medico legal report does not show any signs of forcible intercourse or injuries on relevant parts of the body. Though some explanation is tried to be given in the first information report for not lodging the report in time, the same is not convincing, at this juncture.

9. No criminal antecedents are reported against the applicant. The victim with parents is staying at Pavai, Mumbai and applicant is resident of Erandol. There is sufficient incarceration of the applicant. He is entitled to be released on bail. I, therefore, pass following order.

O R D E R

A. The bail application is allowed.

B. Applicant – Kaviraj @ Bapu Dayaram Mahajan shall be released on bail in respect of Cr. No. 154/2025 registered with Erandol Police Station, Tq. Erandol, Dist. Jalgaon for the offences punishable U/Sec. 351(3), 64(2)(m), 65(1) of the Bhartiya Nyaya Sanshita and Sec. 12, 4 & 8 of the Protection of Children from Sexual Assault Act on condition of furnishing P. R. bond of Rs.

30,000/- (Rs. Thirty thousands only) with one solvent surety of like amount.

C. The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses and/or victim.

D. Bail application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/March 26