



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

BAIL APPLICATION NO. 361 OF 2026

Rajan Yadav Lot

.. Applicant

Versus

The State of Maharashtra and another .. Respondents

Mrs. Rashmi S. Kulkarni, Advocate for the Applicant.
Shri A. B. Girase, Govt. Pleader for the Respondent No. 1.
Shri Swapnil M. Mule, Advocate for the Respondent No. 2 –
appointed through Legal Aid.

CORAM : SHAILESH P. BRAHME, J.
DATE : 24TH APRIL, 2026.

FINAL ORDER :

. Heard both sides.

2. Applicant is seeking enlargement on bail in furtherance of offence bearing Cr. No. 445/2025 registered with Kopergaon Police Station, Tq. Kopergaon, Dist. Ahilyanagar for the offences punishable U/Sec. 65(2), 74, 75(1) and 76 of the Bhartiya Nyaya Sanhita, 2023 and U/Sec. 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. He is arrested on 04.09.2025. The charge sheet is filed on 30.09.2025.

4. A report is lodged by mother of one of the victims stating

that her daughter aged 09 years was found to be disturbed on 03.09.2025 and later on found crying on 04.09.2025. After taking her into confidence, it was disclosed that on 03.09.2025 in evening when she had been to the terrace of building of Municipal Council, the applicant met her there. He is alleged to have committed penetrative assault on the pretext of offering amount for purchasing eatables. The victim reported pains in her private part. It further revealed that another victim girl who was accompanying informant's daughter also disclosed that on 17.08.2025 applicant paid Rs. 500/- to another victim and called her to terrace and committed sexual assault. The same incident occurred with third girl. It is further alleged that on 31.08.2025 applicant is alleged to have sexually assaulted three girls. The applicant is alleged to have ravished five minor girls and the law is set into motion.

5. Learned counsel for the applicant Mrs. Rashmi Kulkarni submits that her client is falsely implicated in the offence and the investigation is perfunctory. On suspicion he is implicated, but there is no clinching material against him. The spot panchanama and the transcript of CCT footage are defective and did not corroborate the prosecution theory. The CCTV footage of very negligible duration is secured. This is selective and creates doubt about the prosecution theory. It is vehemently submitted that in the statement U/Sec. 183 of the Bhartiya Nagarik Suraksha Sanhita, the informant and victims did not spell out applicant's name, but refer to unidentified person. No test

identification parade is conducted. There is no material to show that the victim girls were ever present at the relevant time on terrace.

6. Learned Government Pleader Mr. Girase for the respondent No. 1 would submit that incriminating material is collected namely the statement U/Sec. 183 of the B. N. S. S., the statements of the victims before the Child Welfare Committee (C.W.C.), medical reports and CCTV footage. Applicant is well identified by the informant and the victims and no benefit can be given relying upon the statements recorded U/Sec. 183 of the B. N. S. S. The medical test of the victim ABC is clinching. It is opined by the Medical Officer that there is possibility of sexual intercourse. It is contended that there is no reason to castigate doubt on the statements of the victims and the informant at this stage. Applicant is involved in an extremely serious offence involving five minor victims. It is informed by Mr. Girase that the lapses of the investigating officer and the medical officer in handling the case would be reported to the higher authority. Though the investigation is not satisfactory, no benefit can be given to the applicant at this stage.

7. At the outset it needs to be made clear that when I heard this matter on 09.04.2026, I called upon the learned A. P. P. to take instructions from the investigating officer and medical officer regarding the apparent lapses in conducting investigation and medical examination of the minors. I appreciate the

assistance rendered Mrs. Rashmi Kulkarni, learned advocate for the applicant, being officer of the Court to point out the disturbing factors in the investigation. In pursuance of my order Mr. Girase, learned Govt. Pleader is before the Court and fairly states to take correctional measures and the appropriate action against the erring officer. He has tendered on record the written explanations for the points mentioned in the minutes of order dated 09.04.2026.

8. A candid statement is made by the learned Govt. Pleader that the manner in which the investigation and medical examination is conducted would be taken cognizance of. The written communication in this regard would be issued to the higher authorities pointing out the lapses on the part of the erring officer in highly sensitive matter so that such an incident should not be repeated. The offence in question involves sexual assault on five minor girls and, therefore, this Court is required to advert attention of learned Govt. Pleader so that utmost precaution should be taken in such matters. I hope and trust the statement made across the bar by the learned G. P. would be implemented. It is expected that the same sensitivity shall be reflected while conducting the prosecution before the Trial Court.

9. I have considered rival submissions of the parties. The prosecution theory is of sexual assault committed on ABC aged 09 years, DEF aged 13 years, GHI aged 11 years, JKL aged 13 years and MNO aged 10 years. Out of them penetrative assault

is reported on ABC aged 09 years. Her medical examination is conducted. The medical test of remaining victims would be of little significance, considering the overt act alleged against them. It is pertinent to note that applicant is said to have committed the overt acts at the terrace of building of Municipal Council.

10. I have gone through spot panchanama and transcript of CCTV footage of 20 minutes dated 03.09.2025. It shows that there is another access to the building. Another access to the terrace is not covered by the range of the camera. Whether any benefit would enure to the applicant would be matter of trial.

11. The transcript of the event dated 03.09.2025 was not available. The technical reasons are assigned by the learned G. P., which is supported by the written instructions. I am not inclined to approve the submission that the investigation officer is selective in collective CCTV footage and whatsoever collected is incomplete. No benefit can be extended to the applicant at this stage of the proceeding on this count.

12. I have gone through the statements of the informant and the victims recorded U/Sec. 183 of the B. N. S. S. Applicant has not been identified by them. As against that there is first information report, medical evidence, the statements of the victims recorded before CWC identifying the applicant. The medical report of ABC reflects that the applicant was identified and named. There is no reason as to why victims and their

parents would implicate the applicant. I am not inclined to give any benefit on the basis of statement U/Sec. 183 of the B. N. S. S. The implication of not conducting test identification parade can be gone into during the course of trial.

13. The medico legal report of ABC who is alleged to have been victim of penetrative assault is very clinching. She is girl of 09 years. The column No. 22 shows rupture of hymen perineum. The redness and swelling is shown at her private part. The subsequent opinion albeit not part of the charge sheet recorded in column No. 33 is as follows :

“Evidence of penetration seen, possibility of sexual intercourse cannot be ruled out.”

14. I find that the statements of the victims are consistent. It cannot be overlooked that those are girls of very tender age ranging from 09 to 13 years. There is nothing to disbelieve their version. The investigating officer has collected clinching material against the applicant. I am not being persuaded by the submissions that there is no material to show that victims are seen accessing or exiting the terrace. It would be matter of objective scrutiny during the trial. I find no merit in the application. Bail application is rejected.

15. The learned Government Pleader shall ensure that utmost precaution be taken in conducting the trial.

16. Learned counsel representing the informant is appointed by the legal aid. He has assisted this Court while hearing of the matter. His fees/charges shall be paid as per rules by the Legal Aid Sub Committee, Aurangabad.

[SHAILESH P. BRAHME J.]

bsb/April 26