



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

BAIL APPLICATION NO. 403 OF 2026

Pralhad S/o Laxman Warkade,
Age : 23 Years, Occu. : Education,
R/o Padegaon, Tq. Gangakhed,
Dist. Parbhani. .. Applicant

Versus

The State of Maharashtra and another .. Respondents

Shri Mahesh P. Kale, Advocate for the Applicant.
Shri A. R. Kale, Addl.P.P. for the Respondent No. 1.
Ms. madhuri B. Jain, Advocate for the Respondent No. 2 –
appointed.

CORAM : SHAILESH P. BRAHME, J.
DATE : 10TH APRIL, 2026.

FINAL ORDER :

. Heard both sides.

2. The applicant is arrested on 18.11.2025 in furtherance of offence bearing Cr. No. 771/2025 registered with Gangakhed Police Station, Dist. Parbhani for the offences punishable U/Sec. 64(1), 64(2)(i), 64(2)(m), 65(1), 351(1), 3(5) of the Bhartiya Nyaya Sanhita, 2023, U/Sec. 4, 8, 12 and 14 of the POCSO Act, Sec. 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of the S. C. and S.T. Act and U/Sec. 67(A) of the Information and Technology Act. The charge sheet is filed on 09.01.2026. He is seeking bail post charge sheet.

3. The respondent No. 2 lodged a report that the victim who was 14 years old at the relevant time was studying in the school.

He came across video circulated on social media platform disclosing act of sexual intercourse committed on his minor daughter. On inquiry it was learnt that she was being followed and insisted by the applicant for keeping sexual relations. She was being threatened and subjected to forceable intercourse. His friend, co-accused was keeping guard and the act was being recorded in a mobile of the applicant, which was later on circulated on social media platform. She was being threatened of circulating the video clip and raped again, which was also video graphed. She was further threatened of dire consequences, if it was disclosed to others.

4. Learned counsel Mr. Kale appearing for the applicant submits that applicant is falsely implicated in the case. No injuries are found on the person to show any forceable act. The medical report is inconsistent with the prosecution theory. It is stated to be love affair and the age is not decisive one. Due to break up, he is falsely implicated. No antecedents are reported against the applicant. The video clips have not been circulated to any other person or on social media platform. Reliance is placed on the order dated 14.08.2025 passed by the Coordinate Bench in Bail Application No. 877 of 2025.

5. Per contra, learned Additional Public Prosecutor for the respondent No. 1 would submit that the victim is consistent in her statements recorded U/Sec. 181 and 183 of the Bhartiya Nagarik Surakshya Sanhita (for the sake of brevity and convenience hereinafter referred as to the "B. N. S. S."). The

school record and aadhar card would show that she was minor at the relevant time. The statements of the witnesses Kiran Ravindra Sawant and Datta Vasant Warkade would corroborate the prosecution story. Datta is a person, who was kept as guard when applicant proceeded to commit overt act. The video clip was circulated when it reached to the informant.

6. Learned advocate Ms. Jain appearing for the respondent No. 2 adopts the submissions of the learned Addl. P. P. It is further submitted that medical report supports the prosecution story.

7. The statements of the victim recorded U/Sec. 181 and 183 of the B. N. S. S. are consistent. There is no reason to discard her statements. There is adequate material on record collected during the course of investigation that her date of birth was 10.06.2010. The school record, aadhar card and statements would corroborate that she was minor. Her consent is immaterial and *prima facie* offence is made out.

8. It reveals from statement of Datta that he was asked to keep guard when applicant proceeded to commit the offence. Datta is also minor and can be said to be independent witness. Another independent witness is Kiran Sawant, who is also boy of 17 years and who is stated to have seen the obscene video of his sister identifying the applicant as the perpetrator. The possibility of circulating the video on social media platform

cannot be ruled out. The applicant sold out his mobile hand set to witness Dhondiram @ Dnyanu Motiram Pawar by deleting the video. Applicant has attempted to destroy the evidence.

9. The disturbing fact in the matter is that the victim is being ravished by the applicant and video was prepared and circulated. This overt act is attributable to the applicant himself. The video was recovered from victim's brother. The transcript is produced on record, which shows that the applicant committed penetrative assault twice. The overt act is aggravated form of sexual abuse. The medical report shows rupture of hymen. No case is made out for releasing the applicant on bail.

10. Reliance is placed on the order dated 14.08.2025 of the Coordinate Bench passed in Bail Application No. 877 of 2025. That cannot be said to be a binding precedent. The facts of each case have to be assessed independently. Present case exhibits aggravated form of overt act. Victim is not only being sexually assaulted, but it was being video graphed and the same is circulated to tarnish her image. *Prima facie* loss caused to the victim and her family is established. No benefit can be given of the order dated 14.08.2025 of the Coordinate Bench passed in Bail Application No. 877 of 2025.

11. Bail application is rejected.

12. For rendering assistance to this Court by the learned counsel for the respondent No. 2, who was appointed, her fees is quantified at Rs. 5,000/- (Rs. Five thousands only)

[SHAILESH P. BRAHME J.]

bsb/April 26