



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

BAIL APPLICATION NO. 448 OF 2026

Anand S/o Haridas Borde,
Age : 36 years, Occ : Labour,
R/o Chittepimpalgaon,
Tq. and Dist. Aurnagabad

... Applicant

VERSUS

1. The State of Maharashtra,
Through Chikalthana Police Station,
Aurangabad

2. X.Y.Z.

... Respondents

...
Advocate for Applicant : Mr. Nilesh S. Ghanekar
A.P.P. for Respondent/State : Mr. C.V. Bhadane
Advocate for respondent no. 2 : Mr. J.S. Jain (appointed)

CORAM : SHAILESH P. BRAHME, J.

DATE : 20.04.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No.508 of 2025, registered with Chikalthana Police Station, Dist. Chhatrapati Sambhajinagar for the offences punishable under Section 64(2), 351(2), 351(3) of Bharatiya Nyaya Sanhita, 2023, under section 4, 8, 12 of the POCSO Act.

3. Report is lodged at the instance of respondent no. 2 – victim that applicant who happened to be a landlord, committed rape on 13.04.2025 at 11.30 pm, by calling her in his house and she was threatened. It also revealed in the report that on previous date i.e. on 08.10.2025, in the evening, he committed same thing in the night. That time also, she was threatened.

4. In pursuance of the offence, the applicant is arrested on 11.10.2025. Charge-sheet is filed on 26.11.2025.

5. Learned counsel for the applicant Mr. Ghanekar submits that FIR as well as statement under section 183 of the victim is unreliable. Two episodes of the overt act is reported; first of 13 April 2025 and another of 8 October 2025. It is difficult to believe that on the second occasion, she would again fall prey to the applicant when she had horrible experience. It is improbable as to why she did not report the overt act immediately after the first incident when there are male members in the family and the relatives who are neighbours. The medical evidence does not show any forcible act.

6. Per contra, learned APP submits that applicant is a 36 years old. He was landlord and in a dominating position. He could overpower the victim. The medical report supports the prosecution case. The statements of Shantabai, father and cousin of the victim corroborate the prosecution story. Additionally, learned counsel for the respondent no.2 would submit that there is no reason for the victim to implicate the applicant. Her statement is consistent in FIR as well as under section 183.

7. FIR discloses the overt act of 08.10.2025 committed by the applicant on terrace and she was being threatened. The repetitive incident is of 13.04.2025 when victim was called from her home to the place of the applicant and she was being ravished. The investigation discloses that father and elder brother are in family. Her aunt Shantabai and the cousin whose statements are recorded are neighbours.

8. On the previous occasion, when she was being ravished, she is alleged to have been threatened by the applicant. There are male persons in the family as well as senior lady aunt Shantabai. In such circumstances, repetition of incident on 13.04.2025, appears to be improbable as is projected by her. She could have refused to go to his place at night on 13.04.2025.

9. This Court is aware of the fact that victim is a minor and her consent is immaterial but her statement during the course of investigation does not inspire confidence. This Court is considering the application of bail. The medical certificates does not disclose any forcible sexual act. Considering the overall circumstances, I am inclined to grant bail by imposing stringent conditions.

10. Hence, the following order :-

ORDER

I] The Bail Application is allowed.

II] The applicant shall be released on bail in connection with Crime No. No.508 of 2025, registered with Chilkalthana Police Station, Dist. Chhatrapati Sambhajnagar for the offences punishable under Section 64(2), 351(2), 351(3) of Bharatiya Nyaya Sanhita, 2023, under section 4, 8, 12 of the POCSO Act, on following conditions:

(a) The applicant shall furnish P.R. bond of Rs.50,000/- (Rs. Fifty Thousand only) with one solvent surety of like amount.

(b) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(c) The applicant shall furnish his mobile/cell number and address to the investigating officer.

(d) The applicant stay away from Taluka Sambhajnagar till the conclusion of the trial, save and except for attending the trial.

(e) The applicant shall surrender his Adhaar / PAN cards, if any to the investigating Officer.

(f) The applicant shall co-operate for expeditious disposal of the trial.

12. Fees of Rs.6,000/- (Rs. Six Thousand) is quantified for the lawyer appointed to represent respondent no.2.

(SHAILESH P. BRAHME, J.)

arp/-