



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

BAIL APPLICATION NO. 718 OF 2026

Dheeraj Rameshwar Gavhane,
Age : 22 years, Occupation : Student,
R/o. Danapur, Tq. Bhokardan,
Dist. Jalna ---Applicant

VERSUS

1. The State of Maharashtra
Through Police Inspector, Harsul Police Station
Chhatrapati Sambhajanagar.
2. XYZ (Name withheld) ----Respondents

Advocate for Applicant : Mr. S. J. Salunke
APP for Respondent/s-State : Mr. S. B. Narwade
Advocate for Respondent No. 2 : Mr. A. A. Pawar

WITH BAIL APPLICATION NO. 722 OF 2026

Lakhan Aabasaheb Surashe,
Age : 27 years, Occ : Education,
R/o: Kamlapur Village,
Tq. Gangapur Dist. Aurangabad ----Applicant

VERSUS

1. The State of Maharashtra
(At the instance of Chikhalthana Police Station)
2. XYZ Informant/Victim ----Respondents
(Original Victim)

Advocate for Applicant : Mr. A. K. Bhosle
APP for Respondent/s-State : Mr. S. B. Narwade
Advocate for Respondent No. 2 : A. A. Pawar

**CORAM : SHAILESH P. BRAHME, J.
DATE : 04.05.2026**

PER COURT :-

1. Heard both sides.
2. The applicants are seeking enlargement on bail in connection with Crime No. 32 of 2026, registered with Harsul Police Station, District Chhatrapati Sambhajinagar Urban, for the offences punishable under Sections 137(2), 64(2)(m) of Bhartiya Nyaya Sanhita, 2023 and under Sections 4, 5(L), 6, 8, 12, 17 of Protection of Children from Sexual Offences Act, 2012.
3. Both applicants arrested on 10.02.2026. The Charge-sheet is filed on 26.03.2026.
4. Uncle of the victim has lodged report with the police stating that victim was staying with him at Chhatrapati Sambhajinagar and she was missing from 29.01.2026. She disappeared in the night intervening 28.01.2026 and 29.01.2026. The law was set into motion and it transpired during the course of investigation that applicants are involved in offence of rape and the victim was minor at the relevant time. Both of them are alleged to have sexual encounter with the victim in October, 2025 by forcibly administering liquor. It

further reveals that victim is alleged to have been sexually exploited by Rohit and Jayesh previously.

5. Learned counsel, Mr. Salunke and Mr. Bhosale, appearing for applicants would submit that the victim was of 17.11 years old at the relevant time. Her statements and material on record would indicate that she indulged in sexual relations with various persons. The alleged sexual assault is consensual. The allegations are palpably false. Its a misuse of process of law at the instance of informant and the victim. No criminal antecedents are reported against them.

5. Per contra, learned APP submits that considering the age of victim, presumption under Section 29 of POCSO Act is attracted. Incriminating material has been collected during the course of investigation against the applicants. The statement of witnesses and the hotel registered wherein the overt act took place would corroborate the prosecution theory. The statement of the victim under Section 183 and medical certificate support the theory.

6. Learned Counsel appearing for respondent No. 2 supports the applicants.

7. First Information Report was lodged on 29.01.2026. At the relevant time, the victim is reported to be of 17.11 years. Her statement would disclose that the victim had kept physical relations with one Rohit in August, 2025. Thereafter, she indulged in the same act with Jayesh in October, 2025. The applicants are alleged to have forcibly subjected her to the sexual intercourse. Thereafter one Rohit Kharat is also alleged to have ravished her. It is projected in the statement that many person subjected her to sexual exploitation which is difficult to be fathom. The victim has come in contact with various persons including the applicants. My attention is adverted to her statement under Section 183 which is in tune with her statement under Section 181. The Medico Legal Certificate does not indicate use of any force but provisional opinion is given stating the sexual violence cannot be ruled out. *Prima facie*, her statements and the conduct do not inspire confidence. I find force in the submissions of learned counsel for the applicants that she is not subjected to exploitation forcibly.

8. I have gone through the extract of hotel residence and the statements recorded to that effect. The applicants have reservations for their involvement and the material pitted

against them. This aspect can be done into during the course of trial. CDR collected during the course of investigation with the applicant Dheeraj would not be per say inculpatory. The victim is on the verge of attaining majority. The presumption under Section 29 would be matter of trial.

9. Applicants are behind bars and therefore, further detention is not required. Hence, I pass the following order :

ORDER

- (i) Both Bail Applications are allowed.
- (ii) Applicants shall be released on bail in Crime No. 32 of 2026, registered with Harsul Police Station, District Chhatrapati Sambhajinagar Urban, for the offences punishable under Sections 137(2), 64(2)(m) of Bhartiya Nyaya Sanhita, 2023 and under Sections 4, 5(L), 6, 8, 12, 17 of Protection of Children from Sexual Offences Act, 2012 on furnishing P. R. bond of Rs. 40,000/- (Rupees Forty thousands only) with one solvent surety of like amount on the following conditions :
 - (a) The applicants shall not tamper with the prosecution evidence and contact the prosecution witnesses.

- (c) The applicants shall inform his whereabouts and contact numbers to the Investigating Officer.
 - (d) The applicants shall surrender his Aadhar Card and PAN Card to the Investigating Officer, if any.
 - (f) The applicants shall co-operate for expeditious disposal of the trial and attend the dates punctually.
- (iii) Both Bail applications are disposed of accordingly.

(SHAILESH P. BRAHME, J.)

B. S. Joshi