



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

BAIL APPLICATION NO.793 OF 2026

Vishwanath s/o Raghu Shinde

... **APPLICANT**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....
Mr. M.P. Gandle, Advocate a/w. Mr. Someshwar Mundik, Advocate
for applicant

Ms V.S. Choudhari, A.P.P. for respondent No.1

Mr. S.G. Kawade, Advocate for respondent No.2
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 8th JUNE, 2026

PER COURT :

1 By this application, the applicant seeks his release on regular bail in connection with Special (POCSO) Case No.14/2026 which is registered pursuant to Crime No.395/2025, registered at Beed Rural Police Station, District Beed for the offences punishable under Sections 64, 65(2), 75 and 76 of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 7, 8 and 12 of the Protection of Children from Sexual Offences Act.

2. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. There are material discrepancies between the statement of the victim and that of the informant/ the victim's mother, rendering the allegations demonstrably false and concocted. Furthermore, as the investigation is now complete, the applicant's continued incarceration serves no fruitful purpose and is wholly unjustified. In light of these circumstances, it is prayed that the present application be allowed, and the applicant be released on bail.

3. Per contra, the learned A.P.P. appearing for Respondent No. 1, along with Mr. Kawade, learned counsel for Respondent No.2, vehemently opposed the application. It is submitted that the victim has explicitly named the applicant in her statement, thereby attributing a direct role. Given the gravity of the accusations and the specifically naming the applicant, it is submitted that, the applicant is disentitled to the relief of bail. It is expressed strong apprehension that if the applicant is released on bail, he may tamper with the evidence. Hence, prayed to reject the application.

4. Having considered the rival submissions and upon a perusal of the material on record including chargesheet, admittedly, the investigation is complete, and the charge sheet has already

been filed. *Prima facie* record reveals material inconsistencies between the statement of the informant and that of the victim, as well as in their subsequently recorded statements.

5. The record further reveals that the victim initially refused a medical examination on the date of the incident and was subjected to a clinical evaluation on the subsequent date. In the process, there is an apparent delay in the medical examination of the victim.

6. Apart from above, considering the number of witnesses, prosecution propose to cite, the trial is likely to take considerable time. So far as the apprehension expressed by the learned A.P.P. and the learned counsel for Respondent No. 2 regarding the possibility of the applicant tampering with prosecution evidence is concerned, the same can be adequately taken care by imposing stringent conditions upon the applicant. In view of the above, I am inclined to exercise my discretion in favour of the applicant.

ORDER

(i) The Bail Application is allowed.

(ii) The applicant, Vishwanath s/o Raghu Shinde, be released on bail in the above Crime on his furnishing P.R. bond in the sum of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount, in the above crime, on the conditions that :

- (a) The applicant shall not tamper with the prosecution witnesses in any manner.
 - (b) The applicant shall remain present on each date, unless exempted by the trial Court.
 - (c) The applicant shall not reside within the vicinity of village Warwati, Taluka and District Beed till conclusion of the trial.
 - (d) In the event of breach of the condition, it will be open for the prosecution or the complainant to approach the concerned Court for cancellation of bail notwithstanding the fact that this Court has passed this order of granting bail to the applicant.
- (iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

fmp/-