



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 361 OF 2026

Samadhan Prabhakar Shinde-Patil

VERSUS

The State Of Maharashtra And Another

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- Mr. A. S. More, Advocate for Applicant
- Ms. P. J. Bharad, APP for Respondent No. 1 - State
- Ms. Smita R. Chole - Kendre, (Appointed) Advocate for Respondent No. 2 - Victim

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CORAM : MEHROZ K. PATHAN, J.

DATED : 15.04.2026

PER COURT :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant has approached this Court apprehending arrest in connection with FIR No. 463 of 2025 dated 17.12.2025, registered with Naldurg Police Station, Tq. Tuljapur, District Dharashiv, for the offences punishable under Sections 64, 65, 118(1), 115(2), 352, 351(2), 3(5) of BNSS, 2023; Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2)(5), 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989; and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present crime. There is a dispute regarding encroachment of land adjacent to the house of the complainant. Several FIRs have been lodged by both sides, including against the complainant's brother Rocky. Except for the present case, the applicant has no criminal antecedents. It is submitted that the allegation of rape has been deliberately made to falsely implicate the applicant along with the provisions of the Atrocities Act. There are no eyewitnesses to the alleged incident and the medical evidence does not support the prosecution case. The applicant is ready to abide by any condition. Hence, anticipatory bail be granted.

4. Per contra, the learned APP as well as the learned appointed counsel for the respondent-victim strongly oppose the application. It is submitted that the applicant, being a resident of the same village, has committed atrocities upon the complainant and her family members. There are serious allegations of rape, committed with the knowledge that the complainant belongs to a Scheduled Tribe. The offences are grave in nature and custodial interrogation of the applicant is necessary. It is further submitted that, if released on anticipatory bail, there is every likelihood that the applicant may commit similar offences or threaten the complainant and her family members, thereby causing prejudice to the prosecution case. Hence, it

is contended that this is not a fit case for grant of anticipatory bail.

5. I have perused the investigation papers made available by the learned APP. The record indicates that the victim was subjected to medical examination immediately; however, no apparent injuries were found on her person or private parts so as to corroborate the allegations of rape. The application filed by the complainant's mother before the Sessions Court opposing bail also reflects allegations regarding encroachment by the applicant on land adjacent to the complainant's house. There are further allegations that the applicant has lodged false FIRs against the complainant's brother, Rocky, and implicated him in false cases. Thus, the material on record prima facie indicates the existence of disputes between the applicant and the complainant's family. In such circumstances, the possibility of false implication cannot be ruled out at this stage. The apprehensions expressed by the learned APP and the learned appointed counsel for the respondent-victim can be adequately addressed by imposing stringent conditions. Considering that the applicant has no criminal antecedents, I am inclined to grant protection to the applicant.

6. Hence, the following order :-

ORDER

- i. The Anticipatory Bail Application is allowed.

ii. In the event of arrest of the applicant, namely, Samadhan Prabhakar Shinde-Patil, he shall be released on bail on furnishing PR. bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one or two solvent sureties in the like amount, in connection with FIR No. 463 of 2025 registered with Naldurg Police Station, Tq. Tuljapur, District Dharashiv, on the following conditions:

- A) The applicant shall attend the concerned police station and report to the Investigating Officer on 21st, 22nd, 28th and 29th April, 2026 between 12:00 noon and 02:00 p.m., and thereafter as and when called till filing of the charge-sheet.
- B) The applicant shall not enter village Basawantwadi, Taluka Tuljapur, Dist. Dharashiv till filing of the charge-sheet.
- C) The Applicant shall also cooperate with the investigation.
- D) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- E) The Applicant shall furnish copies of his Aadhaar Card and PAN Card to the Investigating Officer along with the addresses and mobile numbers of two nearest relatives.

7. Needless to say, violation of any of the aforesaid conditions may entitle the prosecution to seek cancellation of the anticipatory bail granted hereinabove.

8. The observations made herein are prima facie in nature and confined to the adjudication of the present application and shall not influence the Trial Court while deciding the case on merits.

9. Fees of the learned appointed counsel, Ms. Smita R. Chole-Kendre, Advocate for respondent No. 2 – victim, be quantified as per the rules of the Legal Aid Services Sub-Committee.

10. The Anticipatory Bail Application stands disposed of accordingly.

(MEHROZ K. PATHAN, J.)