

MHLA070000892025



Order below Exh.59 in Sessions Case No.5/2025
(State Vs. Sambhaji & others)

A)	Case details :	
1.	FIR number and date	712/2025 Dt.03.12.2024
2.	Police Station, District, State	Police Station Udgir Rural, District Latur, State Maharashtra
3.	Sections invoked	Sections 70(1), 64, 64(m), 118(1), 115(2), 351(3) r/w 3(5) of the Bhartiya Nyaya Sanhita, 2023.
4.	Maximum punishment prescribed	Life imprisonment.
B)	Custody and procedural compliance :	
1.	Date of Arrest	09.12.2024
2.	Total period of custody undergone	01 Year 07 Months 22 days.
C)	Status of trial :	
1.	State of proceeding	Evidence Part Heard
2.	Total number of witnesses cited in the charge-sheet.	19
3.	Number of prosecution witnesses examined	02
D)	Criminal antecedents :	
1.	FIR and Police Station	N.A.
2.	Sections	N.A.
3.	Status	N.A.
E)	Previous bail applications :	
1.	Court	N.A.
2.	Case number	N.A.
3.	Outcome of case	N.A.
F)	Coercive processes :	
1.	Whether any non-bailable warrant was issued	N.A.
2.	Whether declared a proclaimed offender	N.A.

Order
(Date 01.08.2026)

1) This application is filed by the applicant/accused for regular bail in Crime No.712/2025 registered at Police Station Udgir Rural for the offences under Section 70(1), 64, 64(m), 118(1), 115(2), 351(3) r/w 3(5) of Bhartiya Nyaya Sanhita.

Brief facts of the prosecution case are as under :

2) It is the case of prosecution that prior to one year of the incident the accused contacted informant on her mobile phone and stated whether she was in need of job. When informant shown her willingness they were communicating on mobile with each other. The accused called the informant and stated that the work was available at Loha. Therefore, the informant went to Loha and got down at Chondi Chowk. She has contacted the accused. The accused came there on scooty and took her to house at Chondi. It was stated that one Shivaji, friend of the accused, was present there.

3) It is further alleged that on the same day at about 05.30 p.m. when said Shivaji went out of house, the accused forcibly established sexual intercourse with the informant. When the informant asked about meeting his employer, the accused told that the employer didn't come. Upon realizing that accused was misleading the informant returned to Pune in the evening.

4) It is further alleged that when the informant was in need of Rs.70,000/- she contacted the accused and asked for job. The accused informed that his employer was at Udgir and asked to come at Udgir. Therefore, on 03.12.2024 about 08.30 a.m. the informant came at Udgir and contacted the accused. The informant was accompanied with her husband.

5) The accused asked her to come at Naik Chowk Udgir. The informant went there with her husband. Thereafter accused came on red colour motorcycle and asked informant's husband to wait and also stated that he will introduce the informant with his employer. The informant went along with accused on his motorcycle towards Kaulkhed road. The accused stopped his motorcycle on the road side and took the informant to secured place. At that time, he informed that if she wanted job then she will have to establish physical relation with him. Thereafter the accused forcibly established physical relations with the informant.

6) It is further alleged that after the said incident two unknown persons came and insulted the informant. They were questioning why the informant was asking Rs.70,000/- from the accused. The accused dropped informant at Naik Chowk. Then the informant narrated entire incident to her husband. The informant lodged the report. The investigation of the offence was started. The accused No.1 was arrested. After completion of the investigation police filed charge-sheet against the accused. The case is pending for trial. Other two co-accused are released on bail.

7) The accused prayed bail on the ground that he has been falsely implicated in this case. The conduct of informant being major has to be taken into consideration. There appears consensual relationship between the accused and the informant. The informant made monitory demand of Rs.70,000/- which was not fulfilled by accused. Therefore, it gave serious doubt about the report lodged by the informant. The medical evidence is not supported to the prosecution. The criminal antecedents of the accused are clear. The investigation is completed. The charge-sheet is filed. So physical custody of the accused is not required. Other two co-accused are released on bail. The evidence of informant has been recorded. Accused is in jail since 10.12.2024. The trial is to take considerable time for completion. Hence, on

those grounds the accused prayed that he may be released on bail.

8) APP resisted the application stating that the alleged offence is of serious nature. Accused has committed rape on informant. Remaining witnesses are yet to be examined. So possibility of tampering with prosecution evidence can not be ruled out. So also the ground of parity is not available to the accused as he is main accused and role attributed to accused No.2 and 3 is different. Therefore, APP prayed for rejection of the bail application.

9) Perused application and say. Heard arguments of both sides. It is true that the applicant is in jail from 10.12.2024. After completion of the investigation police has filed charge-sheet against the accused. Therefore, now custodial interrogation of the accused is not essential. Moreover, in the case prosecution has cited 19 witnesses out of which only two witnesses are examined till today. The applicant is in jail since more than 1½ year. The right to speedy trial is recognized as fundamental right of the accused. Therefore, continued detention of the applicant would amount to pre-trial conviction which is against the settled principle of criminal jurisprudence.

10) It is also part of record that the evidence of informant has been recorded. Therefore, apprehension of the prosecution about tampering of prosecution evidence, care can be taken by imposing stringent conditions on the accused. Hence, considering above aspects this is a fit case to release accused on bail. Hence, I am inclined to allow the application and pass the following order.

Order

1) The application (Exh.59) is allowed.

2) The applicant/accused Sunil @ Sambhaji Achyut Jadhav, be released on bail in connection with Crime No.712/2025, registered at Police Station Udgir Rural,

District-Latur, for the offences punishable under Section 70(1), 64, 64(m), 118(1), 115(2), 351(3) r/w 3(5) of B.N.S , on bail on his furnishing Bail Bond of Rs.50,000/- with one or more solvent surety in the like amount on following conditions;

i) The applicant/accused shall not tamper with the prosecution evidence in any manner and shall not engage in any criminal activity or similar offences.

ii) The applicant/accused shall not directly or indirectly make any inducement, threat, or promise to any person familiar with the facts of the case to dissuade them from disclosing such facts to the Court and police.

iii) The applicant/accused is to provide a copy of proof of his residence along with the mobile number of the applicant and his two relatives.

iv) As accused is in jail copy of this order be sent to District Jail, Latur by e-mail.

Date : 01.08.2026

(L.G.Pachche)
Additional Sessions Judge, Udgir
