

ORDER BELOW Exh.8 IN SPECIAL CASE NO.60/2025
(State of Maharashtra vs. Ganesh Ravindra Waghmare etc.)
(CNR No.MHSN170008202025)

1. Perused application, say (Exh.16) filed by Investigating Officer. Also perused say (Exh.14) filed by the first informant. Heard Ld. Counsel Shri. S. G. Mane for accused No.1 Ganesh Ravindra Waghmare and Ld. APP Shri. M.B. Kulkarni for the prosecution on the point of regular bail to applicant/accused No.1 Ganesh Ravindra Waghmare involved in crime No.341/2025 under sections 64, 64(2)(m), 65(1), 70(2), 351(2) r/w. 3(5) of the Bharatiya Nyaya Sanhita, 2023 and sections 4, 5(l), 6 and 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Vita Police Station.

2. It is case of the prosecution that the informant has been living at Nagewadi with her grandparents and her sister. The informant is having love affair with accused No.1 Ganesh Waghmare for the past one year. The said love affair of the informant with accused No.1 Ganesh Waghmare was known to friend of the informant, accused No.1's mother, brothers, one more lady and her two daughters as well as accused No.1's friend accused No.2 Somanath Awale. Accused No.1 Ganesh Waghmare and the informant knew each other since last one year. They are friends of each other. The informant and accused No.1 Ganesh Waghmare were meeting each other at the house of one Prathamesh, boyfriend of the informant's friend in Mayakkanagar, Vita. Accused No.1 Ganesh Waghmare and the informant used to call each other and

their conversation on the phone increased and then, they fell in love with each other. The informant used to go to meet accused No.1 Ganesh Waghmare at his residence in Mayakkanagar, Vita.

3. It is further case of the prosecution that on 03.03.2025 at 06.00 p.m., the informant and her friend had gone to Vita. At that time, friend of the informant went to the house of her boyfriend Prathamesh and the informant went to the house of accused No.1 Ganesh Waghmare. At that time, accused No.1 Ganesh Waghmare came close to the informant and hugged her. When the informant refused, he forced her to have physical intercourse against her will. On 28.04.2025, friend of the informant and the informant went to Vita for a pilgrimage and at that time, accused No.1 Ganesh Waghmare came there and he told her that she should come to his house. The informant refused. Accused No.1 Ganesh Waghmare told her that if she did not come to his house, he would kill her family members. So, the informant got scared and went to the house of accused No.1 Ganesh Waghmare. Accused No.1 Ganesh Waghmare again forcibly kept sexual relations with the informant against her will. On 09/05/2025 and 23/06/2025, accused No.1 Ganesh Waghmare called the informant to his house and forcibly again kept sexual intercourse with the informant against her will. On 20/06/2025 at 12.00 noon, the informant and her sister were proceeding from the S.T. stand of Nagewadi village and at that time, friend of accused No.1 i.e. accused Somnath Awale came from their backside and stopped his bike and said that he would drop them in the field. He took the

informant and her younger sister to a place between Mahuli and Chikhalhol. After going there, Somnath called his friends accused Sharad and Dilip and asked them to come to that place. Then, accused Somnath Awale told the informant that he would marry with her, but the informant refused him. Then, accused Somnath's friends accused Sharad and Dilip touched breast, cheeks, stomach of the informant which ashamed her. Then, accused Sharad and Dilip left the said spot. Accused Somnath Awale forcibly kept physical relations with the informant against her will and left the informant and her sister at the said spot. Thereafter, the informant went to her house and told her grandmother as to what had happened with her. Thereafter, the informant went to the police station and lodged report against above accused. On the basis of the said report, offence came to be registered at Vita station vide C.R. No.341/2025.

4. Investigating Officer recorded supplementary statement of the informant. She has stated in her supplementary statement that she took names of Somnath Jalindar Awale, Sharad and Dilip on the say of her grandmother. She proceeded to state about incident dated 21.06.2025 by stating that she along with her younger sister was standing at Nagewadi S.T. Stand where accused Mahesh, Sudesh and Sandip (present applicant), residents of Vita came on the motorcycle of accused Sudesh. She further stated that accused Mahesh asked her to come with them and they would drop them at Vita. Then, they are said to have taken the informant and her sister to land (माल) between Chikhalhol to Mahuli where

accused Sandip raped the informant by taking her in a sugarcane field. Then, accused Mahesh is also said to have raped her after proceeding ahead at a creek near Nagewadi. She further narrated the particulars of receiving amount of Rs.300/- through PhonePe for bearing expenses to return home from these accused. One more incident of rape by accused Somnath Awale at about 11.00 p.m. of 14.05.2025 is mentioned at the end of her supplementary statement.

5. The applicant has sought bail on the grounds that he is innocent and has been falsely implicated in the present offence. The informant has suppressed true facts with ulterior motive and lodged false report. Alleged incident had taken place during 03.03.2025 to 20.06.2025 and present F.I.R. is lodged on 01.07.2024. There is delay of three months for lodging complaint and it is not explained by the informant. There is inordinate unexplained delay in lodging the F.I.R. which prima facie shows that delayed F.I.R. is nothing but fabricated and concocted piece of evidence. There is purely case of consensual sex. The informant was blackmailing for pecuniary motive. There is no sufficient medical evidence. This is case of romantic relationship between the informant/victim and accused No.1. By highlighting all these details, he prayed to allow the application.

6. Ld. Counsel Shri. S. G. Mane for the applicant/accused No.1 submitted that bail is granted to accused No.2, 3 and 4 as per order in Cri.B.A. No.199/2025, 203/2025 and 174/2025 as per orders dated 03.09.2025, 09.09.2025 and 19.08.2025 respectively.

He read out part of reasoning in the said orders and submitted that present applicant is falsely implicated on the say of grandmother of the informant. He sought bail to the applicant on the ground of parity.

7. Ld. APP Shri. M.B. Kulkarni for the State has relied upon supplementary statement of the informant and submitted that all particulars are explained in supplementary statement. Role of accused Ganesh is explained. Accused Sandip, Mahesh, Somnath and Ganesh have committed offence of rape with the informant on several occasions. He relied upon statements of the informant and submitted that variance in her statement can be appreciated in the course of trial. If the accused is released on bail, he may tamper with prosecution witnesses. He prayed for rejection of the bail application.

8. If rival submissions and material on record is considered, it is clear that the informant made allegations of rape against her friend accused Ganesh Waghmare and Somnath Awale in FIR. She made allegations of outraging modesty against accused Sharad and Dilip in FIR. When her supplementary statement came to be recorded, she has stated that she mentioned names of accused Somnath, Dilip and Sharad on the say of her grandmother. She further stated that her grandmother is having old dispute with accused Dilip. In short, the informant has given express admission in her supplementary statement that she implicated accused Somnath, Dilip and Sharad on the say of her grandmother in the present crime. It shows that version of the informant is not reliable

and trustworthy. It is pertinent to note that while committing alleged offence on 21.06.2025 by accused Sandip and Mahesh, sister of the informant was accompanying her. Alleged offence has taken place at two different sugarcane fields while proceeding in the direction of Vita on the motorcycle of accused Sudesh. If these particulars are concerned, there is lack of material to show that the informant had offered any resistance to the commission of crime. Medical evidence on record is demonstrating that there are no signs or evidence of forceful intercourse. After saying that she had implicated accused Somnath Awale on the say of her grandmother in initial portion of her supplementary statement, she proceeded to state about alleged incident dated 14.05.2025 when accused Somnath Awale had raped her while reaching her to her home from the house of accused Ganesh Waghmare. Frequent changes in version of the informant and her clear admissions on the aspect of false implication of a few accused show that the informant is not reliable. All these aspects are already discussed while granting bail to accused No.2 to 4 as per orders as referred above. Ground of parity is applicable to the case of accused Ganesh. In addition to it, Ld. Counsel Shri. S. B. Deshmukh representing Advocate Shri. S. G. Mane filed compromise affidavit of father of the victim/informant in favour of one lady for showing that similar offence was compromised in the past. Prosecution has completed investigation and filed charge-sheet making to accused Ganesh, Somnath, Mahesh and Sandip. It is evident from contents in the charge-sheet that alleged accused Dilip, Sharad and Sudesh are not prosecuted

by the prosecution. Considering delay in lodging FIR, frequent changes in stands of the informant, possibilities of false implication and overall evidence on record, present application deserves to be allowed. The applicant can be directed not to enter village of the informant till conclusion of trial. He can be directed to attend the police station till filing of the charge-sheet. Hence, I pass following order :-

: O R D E R :

1. Application Exh.8 in Special Case No.60/2025 is allowed.
2. Applicant/accused No.1 Ganesh Ravindra Waghmare involved in crime No.341/2025 under sections 64, 64(2)(m), 65(1), 70(2), 351(2) r/w. 3(5) of the Bharatiya Nyaya Sanhita, 2023 and sections 4, 5(l), 6 and 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Vita Police Station be released on executing PR bond of Rs.30,000/- with one or more solvent sureties in the sum aggregating to Rs.30,000/- on following conditions:-
 - (a) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

- (b) He shall furnish his detailed temporary and permanent address on affidavit, mobile/contact number, address proof, identity proof within a week from the date of furnishing bail.
 - (c) In case of change of his residence or mobile/contact number, he shall inform it to the court and the investigating officer.
 - (d) He shall attend the court regularly.
 - (e) He shall not enter village of the informant i.e. Nagewadi, Tal. Khanapur, Dist. Sangli till conclusion of trial.
3. Application Exh.8 in Special Case No.60/2025 is disposed of accordingly.

Vita
Dt.16.10.2025

(R.R. Bhagwat)
Additional Sessions Judge, Vita

CERTIFICATE

I affirm that, the contents of this P.D.F. file, are same word to word, as per the original order.

Name of Stenographer	: H.G. Sutar (Steno Grade-I)
Court	: DJ-1 & Addl. Sessions Judge, Vita
Date of order	: 16.10.2025
Signed by Presiding officer on	: 16.10.2025
Uploaded on	: 16.10.2025