

**IN THE COURT OF DISTRICT JUDGE-3 & ADDITIONAL SESSIONS
JUDGE, WASHIM**

(Presided over by M. S. Sahasrabudhe)



CRIMINAL BAIL APPLICATION No. 204/2026

Sheshrao Vs State

CNR No. MHWS010063202026

ORDER BELOW EXHIBIT No. 1

(Passed on 17th day of June 2026)

The present application is filed by the applicant under Section 483 of B.N.S.S. in crime No.191/2026 of Malegaon Police Station registered for the offences punishable under Sections 64, 74, 296, 352, 3(5) of BNS, 2023.

2. In brief, it is the contention of the applicant that FIR is registered against him by the informant alleging that on 23/02/2026 the husband and son of the informant went out of station for some work. She was alone in the house. On that day, at about 11.00 p.m. without any reason the other accused was abusing the informant by standing in front of her house. There were usual quarrels between the informant and applicant and her family members on some trivial issues. As such the informant did not take the said abuses seriously and did not give report in police station and went to sleep. On the next day morning at about 4.30 a.m. the informant went out outside for urination. At that time, the applicant and his wife were also awake. On seeing the informant, the applicant and his wife started abusing her in filthy language and the other accused instigated the applicant to commit rape on the informant. Without thinking of any consequences the applicant entered the house of the informant. The applicant committed rape on the informant and he pressed her mouth so she

should not shout. At that time, the wife of the applicant had caught the legs of the informant due to which she could not move. Thereafter, they threatened the informant that if at all she discloses about the incident to anybody then they would kill her. Thus, it is contention of the informant that the applicant in furtherance of common intention with his wife had committed rape on her. As such she had given the report of the incident.

3. It is the contention of the applicant that the false report is given by the informant against them on the ground of previous disputes. The entire contentions in the report are doubtful and imaginary. He further submitted that initial bail application was rejected however, now investigation is complete and charge-sheet is filed. Nothing is to be recovered from his possession. There is delay in FIR. The applicant has no criminal antecedents and he is bread earner of his family. He is permanent resident of village Mungala. He is arrested on 11/03/2026 and since then he is in jail. Hence, he has prayed that his application be allowed.

4. The said application is strongly opposed by Ld. A.PP and I.O. by filing say below Exh.05. It is their contention that offence is of a serious nature and the applicant and victim are residing adjacent to each other and if at all the applicant is released on bail, he might pressurize the victim. Hence application needs to be rejected.

5. The victim had also opposed application by filing say below Exh.9. It is her contention that the accused has committed an heinous offence. Since wife of the accused is released on bail she along-with her daughter abusing the victim by standing in front of her house. She also threatening the victim that if at all applicant is released on bail, she along-with her husband would kill by the applicant. The victim has

raised the apprehension that if at all applicant is released on bail then there is threat to her life and life of her husband.

6. The Ld.APP and Ld. Advocate of accused have argued in accordance with their contention in the application and say. The Ld. Advocate for the applicant has argued that the victim has filed false report against the applicant due to civil dispute pending between them. Copy of NCR registered against the husband of victim on the basis of report given by applicant is filed on record. The victim has filed false case against the applicant. Charge-sheet is already filed and on perusal of charge-sheet it appears that medical report is inconclusive about the sexual assault about the victim. As far as the injuries on the inner part of the thigh of the victim are considered, there is mention in history given to doctor that those injuries are caused due to pointed object possessed by the applicant however there is no mention in the FIR about the said fact. There is also delay in FIR. The investigation is complete and nothing further has been recovered from the possession of the applicant. Hence, application needs to be allowed. In support of his argument though delay in FIR is not fatal at the stage of trial but it can be considered at the stage of granting bail has placed reliance upon following authority :

Pramod Sharad Kale vs. The State of Maharashtra, Bail Application No.3906/2023 Dated 11/12/2023 *in which it is held by the Hon'ble Bombay High Court that delay in filing FIR is not fatal at the stage of trial but can be considered for granting bail.*

7. Heard Ld. APP and advocate for the applicant. In the case in hand it is matter of record that previous bail application of the applicant was rejected. However, the charge-sheet is now filed. The Ld. advocate of accused has filed on record copy of charge-sheet. On

perusal of the same, prima facie there appears merits in submission of Ld. Advocate of accused that there is delay about two days in filing FIR. As far as medical examination of the victim is concerned the final opinion is kept reserved till receipt of FSL reports. So also, as argued by Ld. Advocate for accused, it appears that victim by giving history to the Medical Officer has stated that the applicant has used pointed object for inflicting injuries to her on inner part of the thigh. However, no such explanation is appearing in FIR. It further needs to be appreciated that the accused behind bars since 11/03/2026 for a substantial period and nothing is to be recovered from his possession. The investigation is complete and charge-sheet is filed. The accused has no criminal antecedents and from the copy of NCR filed on record it can be gathered that previous civil dispute was pending between the parties. Considering all these circumstances, so also considering the authority of *Pramod vs. State* cited supra the applicant needs to be released on bail. As far as apprehension of the victim and the IO is concerned the same can be taken care of by imposing necessary conditions. Accordingly, in the interest of justice, I proceed to pass following order:-

ORDER

1. The application is hereby allowed.
2. Applicant **Sheshrao Ukanda Pakhale** is released on bail on furnishing personal bond of Rs.50,000/- (Rs. Fifty thousand only) with one solvent surety in the like amount, in crime No.191/2026 of Malegaon Police Station registered for the offences punishable under Sections 64, 74, 296, 352, 3(5) of BNS, 2023.
3. He is directed not to involve himself in any criminal act.
4. He is further directed that neither he nor anyone on his behalf

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would contact or pressurize the victim and prosecution witnesses, in any manner.

5. He is further directed not to change his address without prior permission of the Court.
6. He is further directed to furnish copy of Aadhaar Card, Ration Card or any document of address proof and cell number at the time of furnishing surety.
7. Hamdast Allowed.

Date : 17/06/2026

(M. S. Sahastrabudhe)
Addl. Sessions Judge, Washim.

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CERTIFICATE

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

Name of the Stenographer	:- R.K.Pawar, Stenographer (Grade-1)
Court Name	:- District Judge-3 & Additional Sessions Judge, Washim
Date	:- 17/06/2026
Order signed by the Presiding Officer on	:- 17/06/2026
Order uploaded on	:- 17/06/2026