



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 254 OF 2025

Ramdas S/o. Baban Kedar,
Age : 36 years, Occu. : Labourer,
R/o. Dadegaon, Tq. Paithan,
Dist. Chh. Sambhajinagar.

... Applicant

Versus

1. The State of Maharashtra ,
Through Police Station Officer,
Paithan Police Station, Paithan,
Dist. Chh. Sambhajinagar.

2. XYZ (Informant),
Age : 30 years, Occu. : Housewife,
R/o. Desur, Tq. Ashti,
Dist. Beed.

... Respondents

.....
Mr. Ashish Jadhavr, Advocate for Applicant.
Mr. C. V. Bhadane, APP for Respondent – State.
Ms. Falguni Kulkarni, Advocate for Respondent No.2 (Appointed)

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 04 APRIL 2025

PRONOUNCED ON : 08 APRIL 2025

ORDER :

1. Instant application is for enlargement on regular bail on account of arrest of applicant in Crime No. 4 of 2025 registered at Paithan Police Station, Dist. Chhatrapati Sambhajinagar (Rural) for offence punishable under sections 8, 126(2), 137(2), 3(5), 351(2), 351(3), 352, 74 and 76 of Bharatiya Nyaya Sanhita.

2. Pointing to the date of arrest of applicant as 09.01.2025, learned counsel pointed out that, there is chequered history between parties and present FIR is counterblast for lodging report against present informant. He took this court through the present FIR and would submit that there are mere allegations of taking daughter of informant on motorcycle and nothing beyond it and there is no act to attract above offences. He further pointed out that, investigation is over and charge sheet is already filed on 10.03.2025 itself. Consequently, he submits that in view of above, when no further recovery or discovery is to be made, he urges for grant of bail on any conditions deemed fit by this court.

3. Learned APP as well as learned counsel appointed for informant victim opposed on the ground that victim is a minor. She was forcibly taken on motorcycle. That, it amounts to kidnapping. That, clothes of the victim were in torn condition. That, statement of very victim shows that her modesty has been outraged. For above reasons, application is opposed.

4. Heard. Perused the FIR. Mother of victim reported that, on 08.01.2025 when she accompanied by her husband and victim daughter, they were returning after paying visit to hospital to see their relatives, who had undergone operation, around 6:00

p.m., present applicant and Amol Kedar came on motorcycle, intercepted their car, abuses and threatened to take his daughter for cohabitation. When informant and her husband fled, it is alleged that, a minor daughter picked up and forcibly taken on motorcycle. They were given chase, however their girl was dropped midway, her clothes were in torn condition and she was weeping. Therefore, above report has been lodged.

5. Both, learned counsel for informant as well as learned APP would submit that, modesty of the minor has been outraged and her clothes were in torn condition. Attention of this court is invited to the statement of victim, which is apparently recorded on 11.01.2025 i.e. regarding occurrence dated 08.01.2025 of which FIR is lodged on 09.01.2025. In statement of the girl which is in question answer form, she has answered to question no.10 that father of her aunt moved his hand over her person and tore her frock.

6. Copy of FIR at the instance of daughter of present applicant bearing Crime No. 381 of 2023 against Gahininath Bajirao Garje and others is also placed on record. Therefore, prima facie there seems to be complaint and counter complaint. Be it so. In the instant crime, there are allegations of taking away minor on

motorcycle, who was dropped at some distance and there are allegations that present applicant moved his hand over the body of the minor.

7. Now, investigation is over and charge sheet is already filed. What is to be recovered or discovered is not known. Matter is not shown to be committed yet. Therefore, course of trial is uncertain. Resultantly, when no purpose would be served by further detention and in the light of above discussion, relief as prayed deserves to be granted. Hence, the following order is passed :-

ORDER

I. The application is allowed.

II. Applicant Ramdas S/o. Baban Kedar be released on bail in connection with Crime No. 4 of 2025 registered with Paithan Police Station, Dist. Chhatrapati Sambhajnagar (Rural), on executing Personal Bond of Rs.15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not enter the vicinity where the informant and her family members reside till conclusion of trial.

[c] The applicant shall attend the concerned police station once in every week i.e. on every Monday and maintain personal

diary of his attendance till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

III. Fees of learned Advocate, who is appointed to represent cause of respondent no.2 is to be paid by the High Court Legal Services Sub-Committee, Aurangabad as per rules.

(ABHAY S. WAGHWASE, J.)