



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

939 BAIL APPLICATION NO. 609 OF 2025

Deepak Motilal Seera

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Deshpande Gaurav L

APP for Respondents-State: Mr. P. P. Dawalkar

Advocate for Respondent No.2 : Mr. D. S. Ingole (Appointed)

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CORAM : ARUN R. PEDNEKER, J.

Dated : August 14, 2025.

PER COURT :-

1. Heard learned Counsel for the applicant, the learned APP for the respondent-State, and the learned appointed Counsel for respondent No. 2.
2. The applicant is seeking bail in connection with FIR No. 20/2024, dated 23/01/2024, registered with Kannad City Police Station, Taluka Kannad, District Chhatrapati Sambhajinagar (Aurangabad), for the offences punishable under Sections 363, 366, 376(1), 376(2), 376(3) of the Indian Penal Code and under Sections 4, 6, 8, and 22 of the Protection of Children from Sexual Offences (POCSO) Act.
3. The case of kidnapping was registered by the mother of the victim on 23/01/2024 against an unknown person. The victim's date of birth, as per the documents provided by the prosecution, is 13/03/2008. It is stated that the victim was traced in the company of the applicant outside the State on 09/03/2025. Upon tracing of the victim, her statement was recorded, and offences under the IPC and POCSO Act are invoked against the applicant. He is arrested on 09/03/2025. His bail

application filed before the Trial Court is rejected. The charge sheet in the matter has now been filed. Hence, the present application is filed.

4. The learned Counsel appearing for the applicant submits that the relationship between the applicant and the victim was consensual and that the victim was of an age capable of understanding. It is further submitted that the applicant has no criminal antecedents and that his further custodial interrogation is not necessary.

5. The learned Counsel appearing for respondent No. 2 (the victim) submits that the victim is now a major and has no objection to the grant of bail to the applicant. An affidavit to this effect has also been filed by the father of the victim, indicating that he too has no objection to the grant of bail.

6. The learned APP, however, opposes the application and submits that the victim was a minor at the relevant time. Therefore, even if the relationship was consensual, it cannot be considered valid in the eyes of law. Hence, the bail application ought to be rejected.

7. Having considered the submissions of both parties, it is noted that the investigation is complete, and the charge sheet is filed. There are no criminal antecedents against the applicant. In light of these facts, this

Court is of the view that the applicant can be released on bail, subject to certain conditions.

8. In view of the above, the application is allowed in the following terms: -

a] The applicant shall be released on bail in connection with FIR No. 20/2024, dated 23/01/2024, registered with Kannad City Police Station, Taluka Kannad, District Chhatrapati Sambhajinagar (Aurangabad), on executing a Personal Recognizance (PR) bond of Rs.25,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.

b] Upon being released on bail, the applicant shall not, in any manner, contact or communicate with the informant or the victim during the pendency of the trial.

c] The applicant shall co-operate with the Trial Court and shall attend each and every date of hearing, unless specifically exempted by the Court.

d] The applicant shall not tamper with the prosecution evidence and shall not attempt to influence the informant, the victim, witnesses, or any other person connected with the case.

e] The applicant shall furnish to the Trial Court his contact number and residential address, and shall promptly inform the Court of any change in the same during the pendency of the trial.

9. Needless to say, in case of breach of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

10. It is clarified that the observations made in this order are limited to the adjudication of the present bail application. The Trial Court shall proceed with the matter uninfluenced by any observations made hereinabove.

11. Fees of the appointed advocate is quantified at Rs.10,000/- (in words rupees ten thousand only), to be paid by High Court Legal Services Sub-Committee, Aurangabad.

12. The bail application stands disposed of accordingly.

(ARUN R. PEDNEKER, J.)

vj gawade/-.