



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 BAIL APPLICATION NO. 982 OF 2025

ADINATH GITARAM NISHANE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Hemant U. Dhage

APP for Respondent/State : Mr. N.D. Batule

Advocate for Respondent 2 : Mr. K.B. Jadhav

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CORAM : ARUN R. PEDNEKER, J.

DATE : 15/07/2025

P.C. :

1. Heard the learned counsel for the applicant, the learned APP for the respondent-State and Mr. K.B. Jadhav, learned counsel appearing for respondent No. 2.

2. The applicant is seeking bail as he was arrested in connection with Crime No. 1200/2024 dated 17.11.2024 registered at Rahuri Police Station, Rahuri, Tq. Rahuri, District Ahmednagar for the offences punishable under sections 137(2), 64, 64(m), 96, 87 of B.N.S., 2023 and sections 4, 8 and 5(n) of the Protection of Children From Sexual Offences Act.

3. It is the case of the prosecution that initially case of kidnapping was registered on 17.11.2024 on the basis of complaint made by father of the victim. It is stated that later on victim was traced in the company of the present applicant on 12.2.2025. Thereafter statement of victim was recorded and crime came to be registered for the aforesaid offence. It is stated that at the relevant time, the victim was of 17 years and 3 months old and the applicant was of 33 years old.

4. The learned counsel for the applicant submits that on perusal of police papers it appears that the victim had accompanied the applicant on

her own, she was having the age of understanding and was capable of knowing the consequences of the act. The learned counsel submits that the applicant was arrested on 12.02.2025 and since then he is behind bars. The learned counsel therefore prays to release the applicant on regular bail.

5. The learned APP as well as the learned counsel assisting APP and appearing for respondent No. 2 strongly opposed the application on the ground that there has been large age gap between the applicant and the victim and the offence is serious one. Alternatively, the learned counsel appearing for respondent No. 2 submits that in the event bail is granted to the applicant, the applicant should be directed not to enter Ahmednagar town till the conclusion of trial. In response thereto, the learned counsel for the applicant submits that the applicant will not enter in Ahmednagar town **and Newasa taluka** till the conclusion of trial except on the date of trial and one day thereafter.

6. Considered the submissions and perused the record. It appears that prima facie the victim was in the company of the applicant from 17.11.2024 to 12.2.2025. The victim was having age of understanding. The applicant was arrested on 12.2.2025 and since then he is behind bars. No purpose would be served by keeping the applicant behind the bar till the conclusion of the trial. Considering all these aspects, I deem it appropriate to grant regular bail to the applicant.

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

a] The applicant shall be released on bail in connection with Crime No. 1200/2024 dated 17.11.2024 registered at Rahuri Police Station, Rahuri, Tq. Rahuri, District Ahmednagar for the offences punishable under sections 137(2), 64, 64(m), 96, 87 of B.N.S., 2023 and

sections 4, 8 and 5(n) of the Protection of Children From Sexual Offences Act, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant shall not enter the Ahmednagar town **and Newasa taluka** during pendency of the trial except on the date of trial and one day thereafter.

c] The applicant, upon being released on bail, shall not contact the informant, victim or family members of victim in any manner whatsoever, during the pendency of the trial.

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

e] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

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

9. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/