



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

41 BAIL APPLICATION NO. 1040 OF 2025

MAHESH KISHOR HOLKAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Bhosle Santosh C.

APP for Respondent/State: Mr. D. J. Patil

Advocate for Respondent No.2 :

Mr. Akash E. Madne (*Appointed*)

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CORAM : ARUN R. PEDNEKER, J.

DATE : 04.08.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he was arrested on 03.01.2025 in connection with Crime No.489/2024, dated 14.12.2024, registered with Bhokar Police Station, District Nanded, for the offences punishable under Sections 64(2)(I)(M), 65(1), 137(2) of the Bharatiya Nyaya Sanhita, 2023 & under Sections 4, 6 of the POCSO Act.

3] The informant – mother of the victim registered a case of kidnapping when her daughter aged 15 years and 8 months went missing. The case was registered on

14.12.2024. Later on the victim was found in company of the present applicant in a village about 50 Kms away. The statement of the victim was recorded wherein she has stated that on 09.12.2024 at around 08:00 pm she left the house in company of the applicant. It is stated that on 10.12.2024 there were physical relations against the consent of the victim and later on 02.01.2025 the victim was found in company of the applicant at Wasarni Nanded. She has travelled from Bhokar to Wasarni Nanded and has stayed with the applicant. The learned counsel for the applicant submits that the applicant is aged 21 years and they were in consensual relations and the victim was of the age of understanding. However, on account of the pressure from the parents the case is registered against the applicant. He submits that the allegation of sexual assault are also made at the instance of the parents.

4] Per contra, the learned APP, so also, the learned appointed counsel appearing for respondent no.2 submits that the victim's 161 and 183 BNSS statement are identical are in conformity with one another. He submits that the victim is minor and, as such, the offence as stated is made out and consent is immaterial.

5] Having considered the rival submissions, it appears that the victim, who is of the age of understanding has travelled with the applicant. Consequence of the offence

will be decided at the end of the trial if it is established that the applicant has physical sexual intercourse with the victim. As of now, the applicant is of 21 years of age and in view of the above observations, bail can be granted to the applicant and his attendance for trial can be secured.

6] 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.489/2024, dated 14.12.2024, registered with Bhokar Police Station, District Nanded, for the offences punishable under Sections 64(2)(I)(M), 65(1), 137(2) of the Bharatiya Nyaya Sanhita, 2023 & under Sections 4, 6 of the POCSO 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, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] 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.

e] 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.

7] 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.

8] 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.

9] Mr. Akash E Madne, learned counsel appointed to represent the cause of the victim / respondent no.2 shall be paid fees of Rs.10,000/- by the High Court Legal Services Subcommittee, Aurangabad.

10] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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