



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

35 BAIL APPLICATION NO. 1125 OF 2025

1. Vasambha Lulya Valvi
 2. Anil Goval Valvi
-APPLICANTS**

VERSUS

1. The State Of Maharashtra
 2. ABC
-RESPONDENTS**

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Mr. Amit S. Savale, Advocate for Applicant

Mr. K. K. Naik, APP for Respondent/State

Mr. Chetan Barku Chaudhari, Advocate for Respondent No.2

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 29.09.2025

PER COURT :-

1. Heard.
2. This is an application for granting of regular bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.40 of 2025, registered at Dhadgaon Police Station, District Nandurbar, for the offences punishable under Section 137(2) r/w Section 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 4(1) of the POCSO Act.
3. The learned advocate for the applicant pointed out the report in which the informant averred that on 18.03.2025, the informant along with her sisters was returning home after attending a Holi fair from one village to another. On the way, the present applicants met them and insisted on dropping them at their village. The informant replied that

she had some other work and would come later. Thereafter, the applicants compelled the victim girls to accompany them and by use of force, made them sit on their motorcycle. At about 10.30 p.m., both the applicants committed sexual intercourse with them and subsequently left them on 19.03.2025 near the village of relatives of one of the victim girls. On 20.03.2025, a missing report was lodged and thereafter on 21.03.2025, the victim girls were found. Upon recording their statements, the applicants were arrested on 01.04.2025.

4. The learned advocate for the applicant submitted that the applicants have no criminal antecedents. It was argued that they were in a relationship with the victim girls, who had the knowledge and age of understanding. The victim girls did not raise any objection when they were taken away by the applicants on their motorcycle. The applicants have roots in the society and they will not flee away from the trial. The trial will take long period. It is lastly prayed to allow the application.

5. The learned APP for the State and learned advocate for respondent No.2 strongly opposed the application and submitted that the applicants are involved in a serious crime, having taken advantage of the tender age of the victim girls, abducted them and committed sexual assault. Though they had assured to drop the victim girls home, they abandoned them elsewhere. If the applicants are released on bail, they will certainly

pressurize the prosecution witnesses and tamper with the evidence and the possibility of committing similar offences in future cannot be ruled out. It is lastly prayed to reject the application.

6. Perused the charge-sheet, particularly the report, the statements of witnesses of the victim girls and the medical examination reports. The applicants have no criminal antecedents and they will not flee away from the trial. The trial will take a long period. The applicants have roots in the society. The custody of the applicants is not necessary. Further, considering the decision of this Court in *Sunil Mahadev Patil Vs. The State of Maharashtra*, in Bail Application No.1036 of 2015, decided on 03.08.2015, wherein it has been observed that when the victim girls are of an age of understanding and have not resisted accompanying the accused, such circumstances may be taken into account while exercising discretion in bail matters. In the present case also, the victim girls did not oppose when they were taken on the applicants' motorcycles. Considering all these aspects and on the principle that bail is rule and jail is exception, the application deserves to be allowed. Hence, the following order:

::ORDER::

- I. The application is allowed.
- II. The applicants, in connection with Crime No.40 of 2025, registered at Dhadgaon Police Station, District Nandurbar, for the offences

punishable under Section 137(2) r/w Section 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 4(1) of the POCSO Act, be released on bail on furnishing personal bond of Rs.25,000/- each with one surety each of the like amount on following conditions:-

a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

b) The applicants, except on the dates fixed for hearing of the trial, shall not enter in village Mankhedicha Karbhari Pada, Tahsil Dhadgaon, District Nandurbar, till the conclusion of the trial.

[SANJAY A. DESHMUKH, J.]

HRJadhav