



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

946 BAIL APPLICATION NO. 1334 OF 2025

Sagar Ramesh Pawar

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Bobade Sopan Gynba

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

Advocate for Respondent No.2 : Ms. Chole Smita R.

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CORAM : ARUN R. PEDNEKER, J.

Dated : July 29, 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 as he was arrested in connection with FIR No.76/2025, dated 18/03/2025, registered with Shioor Police Station, Taluka Vaijapur, District Aurangabad, for the offences punishable under sections 137(2), 64(1), 64(2)(m), 65(1) of the Bharatiya Nyaya Sanhita, and under Section 4, 6, 8, 12 of the POCSO Act.
3. The case against the applicant is that he kidnapped the informant and maintained physical relations with her. The victim, at the time of the incident, was aged 13 years, 6 months, and 9 days, while the applicant was aged 25 years. The learned Counsel for the applicant submits that the applicant is arrested on 18/03/2025. He further submits that, as per the statement of the victim's mother, the complaint was lodged only because she was unable to trace the applicant and her daughter. Therefore, there was a delay in lodging the FIR.

4. It is alleged that the applicant and the victim eloped on 15/03/2025 and were found in each other's company on 18/03/2025. In the statement of the victim, it is stated that she had physical relations with the applicant. In view of the victim's age, offences under the POCSO Act and relevant sections of the Bharatiya Nyaya Sanhita (BNS) came to be added against the applicant.

5. The learned Counsel for the applicant submits that the investigation in the matter is complete and that the age of the victim will be demonstrated during the course of the trial. He also submits that the applicant has no criminal antecedents and that the applicant and the informant are residents of different villages. The applicant is in custody since 18/03/2025.

6. The learned APP strongly opposes the grant of bail. It is submitted that the victim is a minor, and even if she accompanied the applicant voluntarily, her consent is legally immaterial in light of her age. It is further argued that the statement of the victim recorded under Section 183 of the BNSS clearly discloses that the applicant maintained physical relations with her, which attracts serious offences under the POCSO Act. The learned APP emphasizes the gravity of the offence and the need to protect the interest of the minor victim during trial.

7. The statement of the victim recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) indicates that she and the applicant were residing at a brick kiln, where the applicant maintained physical relations with her. However, considering that the investigation is complete, that the applicant's presence for the purpose of trial can be secured by imposing appropriate conditions, and that the trial may take time to conclude, this Court is of the opinion that the applicant can be released on bail.

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.76/2025, dated 18/03/2025, registered with Shioor Police Station, Taluka Vaijapur, District Aurangabad, for the offences punishable under sections 137(2), 64(1), 64(2)(m), 65(1) of the Bharatiya Nyaya Sanhita, and under Section 4, 6, 8, 12 of the POCSO Act, on furnishing PR bond of Rs.25000/- 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.

9. 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. 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.)

vj gawade/-.