



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

935 BAIL APPLICATION NO. 1483 OF 2025

**SANKET RAMDAS GONDKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Mr. Shekade Shashikant E, Advocate for Applicant

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

Ms. Smita Chole (Kendre), advocate for Respondent No.3 (Appointed)

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 03.10.2025

PER COURT :-

1. Respondent No.3 is served, however, she is absent. Learned Advocate, Ms. Smita Chole (Kendre) is appointed to represent the cause of respondent No.3.

2. Heard.

3. This is an application for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.385 of 2025 registered at Pathardi Police Station, District Ahilyanagar, for the offences punishable under Sections 137(2), 64, 96, 49, 54 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 17 of the POCSO Act.

4. The learned advocate for the applicant pointed out the report in which the informant averred that her daughter, who was studying in the 11th standard and is aged about 16 years and 11 months, was

preparing to go for her examination. At that time, the applicant arrived in front of the informant's house in a Swift car. The informant's daughter immediately entered the vehicle and proceeded further along with the applicant. Accordingly, a report was lodged

5. Learned advocate for the applicant submitted that the applicant is 23 years old and has no criminal antecedents. He has roots in the society and will not flee away from the trial. The investigation is over and trial will take a long period. It is a case of love affair, therefore, it is prayed to grant bail to the applicant.

6. The learned APP for the State and learned advocate for respondent No.3 strongly opposed the application and submitted that the applicant is involved in a serious crime, having eloped with a minor girl aged 16 years and 11 months from the custody of her parents. The applicant is involved in a serious crime of sexual assault on the daughter of the informant. If he is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence and the possibility of committing similar nature of offence again at the hands of the applicant cannot be ruled out. It is lastly prayed to reject the application.

7. Perused the charge sheet, particularly the report and statements of witnesses. The victim girl has stated that she fled with the applicant and remained with him for approximately 20 days. During this period, they

resided both within and outside the State of Maharashtra. The victim has not made any allegations of harassment or coercion by the applicant during that time which indicates that the relationship may have been consensual and suggests a love affair between them. The applicant has roots in the society. The charge sheet has been filed and further custody of the applicant is not necessary. The trial will take a long period. In such circumstances and in view of 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 girl is of an age of understanding and has not resisted accompanying the accused, such circumstances may be taken into account while exercising discretion in bail matters. In view of the above, the application deserves to be allowed on certain conditions. Hence, the following order:

::ORDER::

- I. The application is allowed.
- II. The applicant, in connection with Crime No.385 of 2025 registered at Pathardi Police Station, District Ahilyanagar, for the offences punishable under Sections 137(2), 64, 96, 49, 54 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 17 of the POCSO Act, be released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount on following conditions:-

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

b) The applicant, except on the dates fixed for hearing of the trial, shall not enter in village Dagadwadi, Tahsil Pathardi, District Ahilyanagar and also shall not meet the victim, till the conclusion of the trial.

c) If such incident occurs again the learned APP, the informant or the Court suo moto, may proceed to cancel the bail of the applicant even though bail is granted by this Court.

8. The fees of the appointed advocate, Ms. Smita Chole (Kendre), shall be paid through the High Court Legal Services Sub-Committee, Aurangabad, as per the rules and schedule.

[SANJAY A. DESHMUKH, J.]

HRJadhav