



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

937 BAIL APPLICATION NO. 1586 OF 2025

**KAILAS VILAS MORE
VERSUS
THE STATE OF MAHARASHTRA**

...
Mr. Vikram Undre h/for Mr. S. A. Deshmukh and Annasaheb
Deshpande, Advocate for Applicant
Mr. P. P. Dawalkar, APP for Respondent/State
Mr. P. P. Buktare, Advocate for informant
....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 24.09.2025

PER COURT :-

1. Heard.
2. This is an application for granting regular bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.161 of 2025, registered at Vaijapur Police Station, District Aurangabad (Rural), for the offences punishable under Sections 137(2), 65(1) and 96 of the Bhartiya Nyaya Sanhita, 2023 and Section 4 and 8 of the POCSO Act.
3. The learned advocate for the applicant pointed out the report wherein it is alleged that the applicant had eloped with the sister of the informant, who was 14 years old at that time. Therefore, the report came to be lodged.

4. The learned advocate for the applicant submitted that it was a case of pure love and the report was lodged due to misunderstanding between the informant and the applicant. It is submitted that the applicant has roots in the society and he will not flee away from the trial. Trial will take long period. It is lastly prayed to allow the application.

5. The learned APP for the State strongly opposed the application and submitted that the applicant is involved in a serious crime. If he is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

6. It would be relevant to refer the authorities in the case of **Nitin Damodar Dhaberao vs. State of Maharashtra and another, (supra)**, in which in para 6, this Court observed as under:-

“6. As far as merit is concerned, admittedly victim is of 13 years of age and her consent is not relevant. However, the statements which are recorded by the investigation officer shows that victim has left her house at her own accord on the pretext of bringing the book from friend and not returned back at home. She also joined the company of the present applicant and also admitted her love relationship with the present applicant in her statement.

In the case of **Vijay Chand Dubey vs. The State of Maharashtra and another (supra)** in para Nos. 9 and 10, this Court observed as under:-

“9. Insofar as the present case is concerned, it is seen that victim has left her parents' house without informing the parents and has stayed with Applicant for 3 days and 3 nights as also she has confessed that she was in love with the Applicant and travelled alongwith him to different places and had a consensual encounter.

10. It is settled law that a Court while deciding a Bail Application has to keep in mind the principal rule of bail which is to ascertain whether the Accused is likely to appear before the Court for trial. There are other broad parameters also like gravity of offence, likelihood of Accused repeating the offence while on bail, whether he would influence the witnesses and tamper with the evidence, his antecedents are required to be considered in such cases.”

In the case of **Shubham Dilip Awasarmal vs. The State of Maharashtra and another (supra)** in para Nos. 12 and 13, this Court observed as under:-

“12. The Hon'ble Supreme Court in the case of **Sanjay Chandra** supra has primarily held that bail should be the rule and during pendency of the trial the liberty should not be curtailed unless there are circumstances suggestive of applicant fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating the witnesses. Considering the gravity of the offence involved is likely to induce the accused to avoid the course of justice, so also heinousness of the crime. While

dealing with the ball, the court should exercise judicial discretion based on well settled principles of law and the concern of the court should be to secure the presence of the applicant, who is seeking bail. Thus, the court may take into consideration antecedents of the applicant to find whether he has bad record particularly the record which suggests that he is likely to commit serious offence while on bail.

13. *Having considering the law on the subject of grant of bail as above, although the age of consent of minor is immaterial for the offence under POSCO Act, the grant of bail would be at the discretion of the Court to be exercised on well settled principles as noted above. Exercise of the discretionary power of the Court is not an uncontrolled power. The Court may exercise the power more liberally when investigation in the matter is complete and that the possibility of the applicant from fleeing from justice is remote, when he has no antecedents and he may not possibly interfere with the justice.”*

7. Perused the charge sheet, particularly the report and statements of witnesses. The investigation is over. The charge sheet has been filed. It appears that it is a case of pure love and there is no such material to show that any coercion was exercised by the applicant against the sister of the informant. As per the law laid down by this Court in the aforesaid cases and considering the well-settled 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 applicant, in connection with Crime No.161 of 2025, registered at Vaijapur Police Station, District Aurangabad (Rural), for the offences punishable under Sections 137(2), 65(1) and 96 of the Bhartiya Nyaya Sanhita, 2023 and Section 4 and 8 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.

[SANJAY A. DESHMUKH, J.]

HRJadhav