



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

15 BAIL APPLICATION NO. 1596 OF 2025

Sachin Radheshyam Kadam

VERSUS

The State Of Maharashtra And Another

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Mr. Nagesh Janardhan Sonune, Advocate for Applicant

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

Mr. V. S. Wakale, Advocate for Respondent No.2

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 13.10.2025

PER COURT :-

1. Heard.

2. This is an application for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.439 of 2025, registered at Shevgaon Police Station, District Ahilyanagar, for the offences punishable under Sections 137(2) and 64(2)(i)(m) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 12 of the POCSO Act, 2012.

3. The learned advocate for the applicant pointed out the report wherein the informant, father of the victim child aged 17 years and 3 months, stated that on 10.05.2025 his daughter was missing and he suspected that the applicant might have eloped with her.

4. The learned advocate for the applicant pointed out the statements and supplementary statements of the victim girl and submitted that she has given different statements of the incident. In one statement, she said she was taken to Pune and in another, she said she was taken to Tuljapur and Akkalkot. He submitted that it is a case of a love affair between the applicant and the victim. The applicant has roots in the society and he will not flee away from the trial. The practical investigation is over. The trial will take a long period. Considering all these reasons, it is lastly prayed to grant bail to the applicant.

5. The learned APP for the State and learned advocate for respondent No.2 strongly opposed the application and submitted that the applicant is booked for a serious crime. It is alleged that he had eloped with the victim child by stating that her grandfather was suffering from an illness and believing his statement, she accompanied him. The applicant took undue advantage of her age and thereafter committed aggravated sexual assault upon her. It is lastly prayed to reject the application.

6. Perused the charge-sheet, particularly the report, statements of the victim child, medical certificate and statements of witnesses. The applicant is 22 years old and the victim child was 17 years and 3 months old at the time of incident. She did not raise any hue and cry when she was allegedly

taken either to Pune or Tuljapur. 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 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, the same principle is applicable in the present case. The victim child is of an age of understanding. The applicant has roots in the society and has no criminal antecedents. The trial will take a long period. Considering all these reasons and the law laid down in the aforesaid case, the application deserves to be allowed. Hence, the following order:

::ORDER::

- I. The application is allowed.
- II. The applicant, in connection with Crime No.439 of 2025, registered at Shevgaon Police Station, District Ahilyanagar, for the offences punishable under Sections 137(2) and 64(2)(i)(m) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 12 of the POCSO Act, 2012, 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 shall not establish any contact with the victim child in any case either directly or indirectly through any person. In case it is noticed that the applicant has contacted the victim child, her parents or any of her relatives, the informant, victim child, learned APP, or the concerned Police Station shall be at liberty to file an application before the Special Court where the case is pending for cancellation of bail. The special Court, upon receiving such application, information or *suo motu*, may proceed further for cancellation of the bail of the applicant even though the order granting bail is passed by this Court.

c) The applicant is also directed not to post, share, or circulate on social media, WhatsApp, or any other electronic platform any photographs, chatting, or content related to the victim girl.

[SANJAY A. DESHMUKH, J.]

HRJadhav