



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1606 OF 2025

Nisha Rahul Kshirsagar

....Applicant

VERSUS

The State Of Maharashtra And Others

.....Respondent

.....
Advocate for Applicant : Mr. More P. P.

APP for Respondents: Mr. P.D. Patil.

Advocate for Respondent No.3 : Mr. Kande Vishnu Shriram, Kande
Vishnu Shriram For R/3,

CORAM : MEHROZ K. PATHAN, J.

DATE : 4th NOVEMBER, 2025.

P.C. :-

The applicant is seeking her release on anticipatory bail in connection with crime No. 0139 of 2024, registered with Kingaon Police Station, District Latur for the offences punishable under Sections 363 of IPC and under Sections 96, 64(2)(m), 65-1, 115, 351-3 r/w. 3-5 of the Bhartiya Nyaya Sanhita and under Sections 4, 5(i) of the POCSO Act.

2. The FIR is filed by one Parvati Gutte, who is the mother of the victim, alleging that her daughter had gone to the house of relative Giriraj. On 8.5.2024 the said Giriraj informed that victim child is missing from home and inspite of search she could not be traced out. Thus, FIR bearing Crime No. 139 of 2024 was registered against unknown persons on 16.5.2024, stating that victim child was missing from 8.5.2024.

3. The victim had thereafter appeared before the Police Station

on 31.3.2025 and recorded her statement, thereby alleging the role of the present applicant in kidnapping and abducting the minor victim child from the guardianship of her parents and further narrated the story of the son of present applicant committing repeated forcible sexual intercourse with her.

4. It is the submission of learned counsel for the applicant that the applicant came to be arrested by the police authorities on 19.7.2024. The applicant being a lady had applied for her release on regular bail. Learned JMFC, Ahmedpur, 19.7.2024 had released the applicant in the aforesaid crime No. 139 of 2024.

5. It is the submission of learned counsel for the applicant that after recording supplementary statement of the victim, new sections were added. Those are Sections 363 and 376 of the Bhartiya Nyaya Sanhita. The applicant lady, apprehending arrest, in view of the newly added sections, approached the Sessions Court seeking anticipatory bail. Learned Sessions Judge has considered the material against the present applicant and has rejected the application vide order dated 29.8.2025. The learned counsel for the applicant submits that the applicant is charged only with offence of kidnapping of a minor victim girl and applicant being lady was already released vide order dated 19.7.2024 passed by the learned JMFC, Ahmedpur, the applicant can very well be protected by granting anticipatory bail during the trial.

6. Learned APP vehemently opposes the application stating the minor girl was exploited by the applicant and applicant has made her son forcibly commit sexual intercourse by wrongly confining the victim for months together. The offence of repeated sexual intercourse is clearly made out against the son of applicant and the applicant has major role in kidnapping the minor victim girl.

7. The counsel for respondent No.2 is also represented through

Mr. V.S. Kande, who has adopted the arguments of learned APP.

8. Learned APP further submits that charge sheet is already filed in the matter and the applicant is not entitled for any relief looking to the gravity of the offence.

9. I have gone through the charge sheet and statements of the victim and other relevant material collected during the course of investigation. It is pertinent to note that only allegation against the applicant lady which is made out from the statement of victim and other witnesses would be at the most an offence under Section 363 and 366 of IPC. The applicant is already released on regular bail by the learned JMFC, Ahmedpur vide order dated 19.7.2025. As such, there is no reason why the applicant shall not be protected, in view of the newly added sections which are mainly against the son of the applicant. It is interesting to note that the victim was already married at the time she went missing. The investigating officer has also recorded statement of the husband of the victim, namely, Parshuram , who has stated that the victim was married to him and she went missing from the matrimonial house on the date of incident. The fact was informed to the mother of the victim and mother of the victim as such, lodged FIR under Section 363. It is also pertinent to note that FIR nowhere states that the victim was already married to Parshuram.

10. Thus, looking to the entire investigation papers and charge sheet, I am inclined to grant anticipatory bail to the applicant lady. Hence, the following order :-

ORDER

[I] In the event of arrest of the present applicant in connection with Crime No.0139 of 2024, registered with Kingaon Police Station, District Latur for the offences punishable under Sections 363 of IPC and under

Sections 96, 64(2)(m), 65-1, 115, 351-3 r/w. 3-5 of the Bhartiya Nyaya Sanhita and under Sections 4, 5(i) of the POCSO Act, she shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount, on the following conditions :-

[i] The applicant shall attend the trial on each and every date, except in compelling circumstances, for which she can claim exemption.

[ii] The applicant not tamper with the prosecution evidence and influence the prosecution witnesses or any other person connected with the crime.

[iii] The applicant shall furnish her Addhar and Pan card to the Investigating Officer.

[iv] The application is disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-