



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1628 OF 2025

Mahadev Tejrao Gadhe

VERSUS

The State Of Maharashtra And Another

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WITH

CRIMINAL APPLICATION NO. 3769 OF 2025
IN ABA/1628/2025

XYZ Thr. Her Natural Guardian Father

VERSUS

The State Of Maharashtra And Another

...

- Dr. Ghule Aniruddha B., Advocate for Applicant
- Ms. D. S. Jape, APP for Respondent No. 1 - State
- Mr. R. M. Deshmukh, Advocate for Respondent No. 2 - complainant

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CORAM : MEHROZ K. PATHAN, J.

DATED : 25.11.2025

PER COURT :

1. The applicant has approached this Court seeking anticipatory bail in connection with FIR bearing Crime No. 427 of 2025, registered with Ghansawangi Taluka Police Station, District Jalna for the offences punishable under Sections 74, 75, 351(2), 352 of the BNS and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The perusal of the record shows that there is no allegation of use of criminal force or assault, except that the applicant allegedly held the hand of the complainant and asked for a selfie photograph. It is further alleged that upon refusal by the complainant, the applicant threatened to circulate the photographs in the community and make them viral.

3. Learned counsel for the applicant submits that the applicant is a young man aged 27 years and is related to the victim and her family members. It is contended that the applicant has been unnecessarily roped in on account of family disputes. It is submitted that the applicant is ready to cooperate with the investigation and to abide by any conditions that may be imposed by this Court. It is further submitted that custodial interrogation of the applicant is not necessary and prays for grant of anticipatory bail.

4. As against this, the learned APP and the learned counsel appearing for respondent No. 2 – complainant vehemently oppose the application on the ground that the victim is a minor aged 15 years and 10 months. It is submitted that the applicant resides in the same village and there is a genuine apprehension of threat to the victim and her family members. In this regard, reliance is placed upon an N.C. Report dated 01.10.2025 lodged by Ambadas Gadhe, father of the victim, alleging that the applicant has threatened the victim and

prosecution witnesses with dire consequences. It is further submitted that the applicant has failed to produce the mobile phone and custodial interrogation is required for recovery of the same.

5. I have perused the case papers. The allegations do not disclose the ingredients of outrage to modesty. The material on record indicates that the investigation is not complete and has stagnated for non-cooperation of the applicant – *Mahadev Tejrao Gadhe*. However, if the applicant is permitted to join the investigation, it can be completed. Considering the nature of the allegations, custodial interrogation of the applicant does not appear to be necessary. The statement of the victim has already been recorded under Section 183 of the Bharatiya Nyaya Sanhita. The apprehensions expressed by the prosecution and by the learned counsel for the victim can very well be taken care of by imposing stringent conditions. Hence, I am inclined to exercise discretion in favour of the applicant.

6. Accordingly, the following order is passed:

ORDER

- I. In the event of arrest of the applicant – *Mahadev Tejrao Gadhe*, he shall be released on bail on furnishing a P.R. bond in the sum of ₹50,000/- (Rupees Fifty Thousand only), with one or two solvent sureties in the like amount each, in connection with FIR bearing Crime No. 427 of 2025, registered with Ghansawangi Taluka Police Station, District

Jalna, for the offences punishable under Sections 74, 75, 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, subject to the following conditions:

- (a) The applicants shall attend the concerned police station and report to the Investigating Officer on every Saturday and Monday, between 05:00 p.m. and 07:00 p.m., till filing of the charge-sheet and he shall handover the mobile phone to the concerned Investigating Officer.
- (b) The applicant shall not enter the village Ranjani, Tq. Ghansawangi, District – Jalna, till framing of the charge and recording of the evidence of the victim before the learned Special Court.
- (c) The Applicants shall cooperate with the investigation.
- (d) The Applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

7. Needless to say that in the event of breach of any of the aforesaid conditions, the interim protection granted by this Court shall be liable to be cancelled.

8. The Anticipatory Bail Application is disposed of in aforesaid terms.

9. In view of the above, Criminal Application No. 3769 of 2025 also stands disposed of.

(MEHROZ K. PATHAN, J.)