



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2106 OF 2025

MUKESH BABAN GIRI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. C. C. Deshpande
APP for Respondent-State : Ms. D. S. Jape
Advocate for Respondent No. 2 : Mr. S. D. Nagode

CORAM : SACHIN S. DESHMUKH, J.

Date : 10th December, 2025

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 06.05.2025 bearing Crime No. 255 of 2025 registered with Mantha Police Station for the offences punishable under Sections 137(2) and 65 of Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of Protection of Children from Sexual Offences Act, 2012.

2. The complaint came to be lodged with an assertion that during the intervening night of 05.05.2025 and 06.05.2025, the complainant's wife noted that their daughter is missing. Resultantly, a search was conducted in the town and amongst relatives. An inquiry was also conducted regarding the missing

daughter. On 06.05.2025 in the evening, the missing person report was lodged with an assertion that the victim has been kidnapped by the unknown person.

3. The learned counsel for the applicant submits that the applicant is an innocent person and has not committed the alleged offence. The victim joined the company of the applicant of her own accord and was not subjected to any victimization. As such, it is prayed that the application may be allowed.

4. The learned APP has vehemently opposed the application, submitting that the applicant has kidnapped the victim, who is a minor, and as such, has indulged in a serious offence. The investigation is on the verge of completion. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence. As such, it is prayed that the application be rejected.

5. Considering the submissions of both the sides and perusing the material on record, it appears that initially, the report of kidnapping of daughter is lodged and thereafter, the provisions of POCSO Act were added. Prima facie, it appears that the victim has joined the company of the applicant who is of contemporaneous age.

6. As such, prima facie it appears that the victim consciously participated in the act. Thus, the factual matrix of the case does not reflect any active inducement or coercive conduct on the part of the accused.

7. Apart from the aforesaid aspect, the investigation of the case is almost completed. Nothing remains to be recovered at the instance of applicant. Thus, no fruitful purpose would be served by keeping the accused behind the bar.

8. Keeping in view the peculiar facts and circumstances of the case, the applicant's right to liberty needs to be upheld by imposing stringent conditions. The learned APP's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions. In that view of the matter, the applicant deserves to be released on bail.

9. Hence, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Mukesh Baban Giri be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 255

of 2025 registered with Mantha Police Station for the offences punishable under Sections 137(2) and 65 of Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of Protection of Children from Sexual Offences Act, 2012, on the following conditions :-

- (a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (b) The applicant shall not enter into the village Handewadi, Tq. Patoda, Dist. Beed, till conclusion of trial.
 - (c) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (d) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (e) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)