



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

ANTICIPATORY BAIL APPLICATION NO. 2181 OF 2025

DATTA RAJEBHAU JADHAV

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. M.P. Kale h/f
Mr. Sharad S. Solanke

APP for Respondents/State : Mrs. P.J. Bharad

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CORAM : MEHROZ K. PATHAN, J.

DATE : 11th DECEMBER 2025

PER COURT :

1. Heard the learned Counsel for the Applicant and the learned APP for the State.
2. The Applicant has approached this Court, seeking anticipatory bail in connection with Crime No.773/2025 registered with Gangakhed Police Station, District Parbhani for the offences punishable under Sections 74, 78, 126(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012.
3. The case of the prosecution is that on 15.11.2025 at about 04:00 pm. when the complainant alongwith her cousin sister Gauri and brother Ram was returning from the coaching class and moving towards the parking place of the van near Saraswati School, three persons were stalking the complainant and one of them had asked for

mobile number. The complainant informed that she does not have a mobile number. Thereafter, all the three accused followed them on motorcycle and were teasing the complainant. At that time, one more person had arrived on the spot and was staring at the girl with ill intention. The complainant got scared of the continuous stalking of all the accused persons and, therefore, made a phone call to the Van driver Namdeo Muthal. The van driver Namdeo then called the cousin of complainant, Balu Rathod near Saraswati School. After the cousin Balu, arrived at the spot, the complainant pointed out the accused who had been asking for her mobile number. The cousin uncle then caught hold of the said boy, who disclosed his name as Aditya Giri and further revealed the names of the present Applicant, Datta, Om Hanvate, and Amrut Karad as the remaining three accused persons. The uncle of the complainant then took Aditya along with him on his motorcycle to the place where the other three accused were present. Thus, the complainant has lodged the present FIR seeking appropriate action against the accused persons for stalking.

4. The learned Counsel for the Applicant submits that the Applicant is a young boy and has not played any role in the commission of the said crime. He submits that no specific role has been attributed to the Applicant, and the mere gravity of the offence cannot be a ground to reject the bail application. He further submits that the Applicant is a student, has no criminal antecedents, and is ready to abide by any conditions that may be imposed by this Court while granting him bail.

5. As against this, the learned APP opposes the present application on the ground that the offence is serious in nature and involves a minor victim girl. It is submitted that if the Applicant is released on bail, he may threaten the victim girl, may again indulge in eve-teasing and stalking, and may tamper with the prosecution witnesses. Hence, the Applicant ought not to be released on bail.

6. I have gone through the allegations in the FIR and the order dated 05.12.2025 passed by the additional Sessions Judge, Gangakhed, rejecting the bail application of the present Applicant. The perusal of the FIR shows that the girl, being scared by the continuous stalking by all the accused persons, made a phone call to the van driver, Namdeo, who then informed the cousin uncle of the complainant, Balu Rathod. Balu thereafter arrived at the spot and rescued the girl. It is further noted by the learned Sessions Judge that after lodging the report, another report was filed by the uncle of the victim, stating that on 15.11.2025 the Applicant and others assaulted him with fists and slaps, threatened to kill him, and also assaulted one Govind with stones. Thus, it appears that the Applicant, along with the other co-accused persons, has outraged the modesty of the minor girl by following her and attempting to contact her repeatedly to foster personal interaction, despite the victim's clear indication of disinterest. The Applicant is also charged with Sections 8, 12 and 17 of the POCSO Act. The offence is serious in nature, hence the custodial interrogation of the Applicant is necessary. The Applicant is also involved in another offence, while the uncle of the victim was

taking Aditya Giri on his motorcycle, the Applicant along with five other persons assaulted the uncle of the victim and threatened to kill him. This incident occurred after the first incident of stalking, which had already been reported by the victim. Thus, it appears that after the initial incident of stalking and sexual assault, the Applicant was involved in yet another offence of assaulting the victim's uncle and issuing threats to kill him.

7. Thus, if the Applicant is released on bail, there is every likelihood that he may threaten the minor victim girl or her uncle, and cause prejudice to the prosecution case. The investigation is at preliminary stage and the other accused are also yet to be arrested. Hence, I am not inclined to exercise discretion in favour of the Applicant. The application accordingly stands rejected and disposed of.

MEHROZ K. PATHAN
JUDGE