



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

970 BAIL APPLICATION NO. 937 OF 2025

MACHINDRA RAMRAO CHATE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Salunke Sudarshan J.

APP for Respondents 1 & 2 : Mr. P.P. Dawalkar

Advocate for Respondent 3 : Mr. N.R. Thorat

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 11/06/2025

P.C. :

1. Heard the learned counsel for the applicant, the learned APP for the respondents-State and Mr. N.R. Thorat, learned counsel for respondent No. 3/informant.
2. Applicant is permitted to carry out the amendment in the prayer clause forthwith.
3. The applicant is seeking bail as he was arrested in connection with Crime No. 133/2025 dated 3.4.2025 registered with Kaij Police Station, District Beed for the offences punishable under sections 137(2), 96, 143, 49, 351(2)(3) of B.N.S. 2023 and sections 12 and 17 of the Protection of Children From Sexual Offences Act, 2012.
4. The above FIR has been lodged by the mother of the victim. The applicant is the step father of the victim and husband of the informant. The informant has two daughters from her first husband. The informant married with applicant second time and she has a son from the applicant. Informant, her elder daughter/victim, aged twelve years and one months and son from applicant are residing together.

5. In the FIR, it is alleged that on 2.4.2025 at about at 11.30 p.m. lady owner of the house of the informant told the informant that daughter of the informant/victim has contacted a women residing adjoining to her house and told her that victim wanted to talk with informant. It is stated that thereafter, informant contacted on the mobile number given by the daughter/victim, however, victim did not respond. The informant suspected that possibly some unknown person has kidnapped her daughter and as such FIR was lodged on 3.4.2025 for kidnapping victim.

6. During the course of investigation, statement of the victim girl was recorded in which she has stated that she has left the house on 2.4.2025 at about 11.30 p.m. with her step father i.e. the applicant. She has stated that applicant told victim that he will put her in good school. When they reached at Kaij, where she found two boys Rushikesh Neherkar and Dipak Neherkar, who are also minors. At the instance of the applicant, she accompanied with them. It is stated that father of the minor boys has given amount of Rs. 8,00,000/- to the applicant and as such, section 96 of B.N.S. and offences under POSCO Act are added.

7. The learned counsel for the applicant submits that there are family dispute between the applicant and informant, mother of the victim. The learned counsel submits that the informant has filed cases against other persons invoking provisions of POSCO Act and she has used the victim girl for the said purpose. The learned counsel submits that civil disputes are pending between the informant and the applicant. The learned counsel submits that applicant is in jail from 22.4.2025 and there is no recovery made at the instance of the applicant. The learned counsel submits that no case is made out against the applicant under POSCO Act and under section

96 of B.N.S. The learned counsel therefore prays to release the applicant on regular bail.

8. The learned APP has opposed the application by submitting that the victim has given statement under section 183 of B.N.N.S. wherein the victim has stated that her step father (applicant) informed that the boy is minor and their marriage could not be performed, but they can stay together and he will protect them. The learned APP also submits that as marriage of victim and minor boy could not be performed, the applicant has taken money from father of one of the minor and applicant has told that the victim should not inform to informant about taking of the money. The learned APP therefore prays for rejection of the application.

9. The learned counsel appearing for respondent No. 3 submits that there is no objection for grant of regular bail to the applicant.

10. Considering overall conspectus of the case and considering that there are family dispute between the parties and that there is no mention of physical relationship by the minor with the victim. The present applicant is alleged to have taken the girl to the minor and that there is no recovery of money at the instance of applicant, this Court prima facie holds that the applicant's defence of false implication cannot be ruled out and that regular bail can be granted to the applicant.

11. In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 133/2025 dated 3.4.2025 registered with Kaij Police Station, District Beed for the offences punishable under sections 137(2), 96, 143, 49, 351(2)(3) of B.N.S. 2023 and sections 12 and 17 of the

Protection of Children From Sexual Offences Act, 2012, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

12. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

13. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

14. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/