



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1252 OF 2025

RAMU SHIVAJI GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Sunil B. Surse
APP for Respondent-State : Mr. S. N. Morampalle
Advocate for Respondent No. 2 : Mr. Prasanna Dadpe h/f Ms. Sayali
S. Tekale (Appointed)

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CORAM : SACHIN S. DESHMUKH, J.

Date : 3rd December, 2025

PER COURT :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 26.12.2024 bearing Crime No. 519 of 2024 registered with Khultabad Police Station, for the offences punishable under Sections 137(2), 64(I)(M) of the Bharatiya Nyaya Sanhita and Sections 4, 6 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard the learned counsel for the applicant and learned APP for the State. Perused the chargesheet made available.

3. Initially, the FIR was lodged at the instance of father of the victim in relation to an offence under Section 137(2) of the BNS against unknown person. Subsequently, the statement of the victim

came to be recorded by the police wherein it is stated that the victim was in relation with applicant accused and used to have conversation on mobile. The meetings between victim and applicant were going on. On 25.12.2024, victim and applicant fled away and went to Shirdi. At that time, there were instances of physical relationship between victim and applicant. Thereafter, they went to Baramati and Ahmednagar and continued physical relationship. On 23.03.2025, police apprehended the victim and applicant and were taken to Police Station. On the basis of such statement of the victim, the aforesaid offences came to be registered against the accused.

4. The statement of the victim indicates that she had left the house at her own volition and accompanied the accused. Thereafter, the victim willfully remained in the company of the accused. The said statement does not contain any element of force or compulsion.

5. Therefore, it is evident that the victim has consciously participated in the act and the conduct establishes that victim was aware of the consequences of her actions. Thus, the factual matrix of the case does not reflect any active inducement or coercive conduct on the part of accused.

6. Apart from the aforesaid aspect, the investigation of the case has been completed and eventually the charge-sheet is filed. Moreover, there is no criminal antecedent of the Accused. Thus, no fruitful purpose would be served by keeping the accused behind the bars for indefinite period.

7. Considering the peculiar facts and circumstances of the case, the right to liberty of the applicant needs to be upheld by imposing stringent conditions. In that view of the matter, the applicant deserves to be released on bail.

8. The High Court Legal Services Sub-Committee, High Court Bench at Aurangabad, to pay the fees to the learned counsel appointed to represent respondent No. 2, as per rules.

9. Resultantly, following order is passed :-

ORDER

(I) Application is **allowed**.

(II) Applicant - Ramu Shivaji Gaikwad 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, 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 pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- (c) 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.
- (d) 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.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi