IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1230 OF 2026

Rakesh Atul Gaisamudre @ Rokkie Mahendra Hoke
VERSUS
The State of Maharashtra and others

Mr. S. J. Salunke, Advocate for applicant
Ms. R. P. Gour, APP for respondent-State
Mr. A. E. Madne, Advocate for respondent No. 3

CORAM : R. M. JOSHI, J.
DATE : 07th OCTOBER, 2026

PER COURT :-

1. Applicant seeks pre-arrest bail in connection with Crime No. 0035 of 2026 registered with Dharur Police Station, Dist. Beed, for the offences punishable under Sections 74, 79, 118(1), 115(2), 352, 351(2), 351(3) of the Bharatiya Nyaya Sanhita and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

2. First informant is a minor girl who reported an occurrence of the incident on 09.02.2026 in which the present applicant has physically abused the informant as well as her sister. There is also allegation with regard to he assaulting father of the informant.

3. Learned counsel for the applicant submits that applicant is a student with no criminal history behind him. It is his further argument

that considering the First Information Report, it cannot be said that the offence under Protection of Children from Sexual Offences Act has made out against the applicant. He files affidavit of the applicant indicating that the applicant voluntarily undertakes not to enter concerned village till conclusion of the trial and that he will not contact directly or indirectly informant, her sister or any witness related to the crime in question.

4. Learned APP and learned counsel for the informant opposed grant of any relief to the applicant by submitting that statement of the sister of the victim indicates that the applicant has touched the informant and her sister with bad intention. Thus, according to learned APP, it is sufficient to attract provisions of Protection of Children from Sexual Offences Act. It is, therefore, submitted that having regard to the nature of offence, applicant is not entitled for pre-arrest bail.

5. *Prima facie,* perusal of First Information Report does not indicate any intention on the part of the applicant to sexually abuse the informant and her sister. Apart from this, having regard to the nature of offence, his custodial interrogation would not be necessary. A voluntary statement made by the applicant of not entering the concerned village till conclusion of trial so also not to contact informant and her sister in any manner whatsoever would take care of the apprehension of the informant. Having regard to these facts and also in view of the fact that

applicant is aged about 19 years with no criminal history, this Court is inclined to grant relief to the applicant.

ORDER

(i) Application is allowed.

(ii) In the event of arrest of applicant in connection with Crime No. 0035 of 2026 registered with Dharur Police Station, Dist. Beed, for the offences punishable under Sections 74, 79, 118(1), 115(2), 352, 351(2), 351(3) of the Bharatiya Nyaya Sanhita and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, he shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.

(iii) He shall attend the concerned police station as and when called by Investigating Officer.

(iv) As voluntarily undertaken, he shall not enter concerned village till conclusion of the trial.

(v) He shall not contact the witnesses directly or indirectly.

(vi) He shall not interfere with the evidence in any manner whatsoever.

(vii) He is further directed to cooperate the investigating agency for further investigation.

6. Fees of appointed Counsel is quantified at Rs. 10,000/-

(R. M. JOSHI, J.)

B. S. Joshi