IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

925 ANTICIPATORY BAIL APPLICATION NO. 1795 OF 2026

Ramhari Balasaheb Gharat ....Applicant

VERSUS

The State of Maharashtra & another .....Respondents

.....
Mr. S. R. Shirsat, Advocate for Applicant
Ms. P. J. Bharad, APP for the State.

WITH
ANTICIPATORY BAIL APPLICATION NO. 1713 OF 2026

Ramhari Balasaheb Gharat ..... Applicant

VERSUS

The State of Maharashtra & others .....Respondents

.....
Mr. S. R. Shirsat, Advocate for Applicant
Ms. P. J. Bharad, APP for the State.

WITH
ANTICIPATORY BAIL APPLICATION NO. 675 OF 2026

1. Nikita Somnath Jadhav

2. Sadhyadevi @ Kalinda Ramhari Gharat ..... Applicants

VERSUS

The State of Maharashtra & others ....Respondents
.....
Mr. K. R. Doke, Advocate for Applicant
Ms. P. J. Bharad, APP for the State.
Mr. M.1 L. Muthal, Advocate for informant.

CORAM : R. M. JOSHI, J.
DATE : 3rd NOVEMBER, 2026.

PER COURT :

1. Applicants in Anticipatory Bail Application Nos. 1795/2026 and 675/2026 seek pre-arrest bail in connection with Crime No. 0077/2026 registered with Gondi Police Station, district Jalna, for the offences punishable under Sections 137(2), 138, 140(3), 140(4), 64(2)(m), 249, 61(2), 351(2) of Bharatiya Nyaya Sanhita whereas Applicant in Anticipatory Bail Application No. 1713/2026 seeks pre-arrest bail in connection with Crime No. 0309/2025 registered with Gondi Police Station, District Jalna for the offences punishable under Sections 61(2), 64, 64(2)(m), 96, 127(2), 137(2), 351(2), 351(3). 318(4) r/w 3(5) of Bharatiya Nyaya Sanhita and Sections 4, 5(L), 6 and 17 of Protection of Children from Sexual Offences Act.

2. First informant alleges abduction of his grand daughter on 18.03.2026 by co-accused and present Applicants. There are allegations against the Applicants that while co-accused abducted the victim girl, present Applicants obstructed the witnesses to facilitate said abduction.

3. Learned Counsel for Applicants in Anticipatory Bail Application No. 675/2026 contends that the evidence collected during the course of investigation creates doubt with regard to the story sought to be put forth by the prosecution about abduction of girl. In this regard reference is made to the application given to the Magistrate by the victim stating that the statement recorded by her before the Magistrate on the earlier date was under force and coercion. In this application, according to him, she has retracted the allegations. Apart from this, it is his submission that on the relevant date Applicant No.1 was pregnant and had delivered a child few days back and as such question of her participation in the crime does not arise. In so far as Applicant No. 2 is concerned, he contends that at the relevant time, Applicant No. 2 had delivered a child and as such her involvement is also not possible in such crime.

4. Learned Counsel for Applicants in Anticipatory Bail Application no. 1795/2026 contends that evidence collected during the course of investigation creates a serious doubt with regard to the story of prosecution about abduction. According to him, since now charge-sheet has been filed, custodial interrogation of the Applicant is not necessary.

5. So far as Anticipatory Bail Application No. 1703/2026 is concerned, it is submitted by learned Counsel for the Applicant that on the basis of statement made by the victim before the Superintendent of Police, it is clear that there is no offence committed either by the co-acucsed or by the present Applicant.

6. Learned APP and learned Counsel for the informant opposed grant of any relief to the Applicants by referring to the allegations against them in the First Information Report. According to them, the said allegations are supported by statements of witnesses so also CCTV footage of the incident. Attention of this Court is also drawn to the statement recorded by the victim before the Magistrate under Section 183 of BNSS. According to them, having regard to the serious nature of crime, Applications deserve to be rejected.

7. No doubt, the offence of abduction of a girl from her house would become serious offence. However, here in this case, statements of victim herself are not reliable being inconsistent. It is pertinent to note that in the earlier First Information Report i.e. subject matter of Anticipatory Bail Application no. 1713/2026, she

made statement before the Superintendent of Police confirming the fact that she had love relations with the co-accused and that on her own she went along with him. In the other crime, though her statement was recorded before the Magistrate implicating the Applicants in the crime, on the next day the victim went to the Magistrate and by filing application retracted the said statement. This Court has asked learned APP to seek instructions as to whether such application was made by the victim to the Court and it forms part of the record of the Court. On telephonic instructions from the Investigating Officer, learned APP confirms the said fact. Thus there exists possibility of false/over implication. In any case, the investigation into the crime is complete with filing of charge-sheet. As such, no custodial interrogation of the Applicants is necessary. Hence, the following order :-

ORDER

(i) Interim relief granted in favour of Applicants in Anticipatory Bail Application Nos. 1713/2026 and 675/2026 is confirmed.

(ii) In the event of arrest of applicants in Anticipatory Bail Application No. 1795/2026 in connection with Crime No. 0077/2026 registered with

Gondi Police Station, district Jalna, for the offences punishable under Sections 137(2), 138, 140(3), 140(4), 64(2)(m), 249, 61(2), 351(2) of Bharatiya Nyaya Sanhita, he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount.

(ii) He shall attend the concerned police station as and when called.

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

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

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

(vi) Learned APP to communicate this order to the concerned Investigating Officer.

(R. M. JOSHI, J.)

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