2026:BHC-AUG:51489

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 ANTICIPATORY BAIL APPLICATION NO. 1904 OF 2026

GANESH PARESHWAR HIWALE
VERSUS
THE SUPERINTENDENT OF POLICE AND OTHERS
...
Mr. Cedric Fernandes, Advocate h/f Mr. V.S. Dhotre, Advocate for applicant
Mrs. P.J. Bharad, APP for respondent Nos.1 and 2
Mr. P.D. Wakhare, Advocate (appointed) for respondent No.3
...

CORAM : R.M. JOSHI, J.

DATE : 23rd OCTOBER, 2026

ORDER :

. Learned counsel of the applicant seeks bail in connection with Crime No.80/2026 for the offences punishable under Sections 137(2), 64, 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 5-L and 6 of the POCSO Act.

2 It is the case of the prosecution in short that on 23.03.2026 the minor daughter of the informant went missing. Missing report came to be lodged. After three months thereof when the girl was brought back, offence came to be registered against applicant.

3 Learned counsel for the applicant submits that this is a false case registered against the applicant and that the applicant has not committed any

crime. He, however, claims that the appellant and victim girl were having love relationship. It is his submission that victim made no statement against the applicant in order to show that any act was done by applicant constituting any offence.

4 Learned APP and learned counsel for informant oppose grant of any relief to the applicant by referring to the First Information Report, statement of victim before the Medical Officer as well as the statement of witnesses. It is their contention that since the victim is minor, question of grant of any relief of anticipatory bail does not arise.

5 Though there are allegations against the applicant made by the informant, statement made by the victim before the Magistrate recorded under Section 183 of the B.N.S.S. does not attribute anything against the present applicant. Having regard to the said statement this Court finds no reason for rejection the application. Hence, following order.

ORDER

(i) Application stands allowed.

(ii) In the event of arrest of applicant in connection with Crime No.80/2026 for the offences punishable under Sections 137(2), 64, 64(2)(m)

of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 5-L and 6 of the POCSO 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.

(ii) He shall attend the concerned Police Station as and when called by the Investigating Officer.

(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 for respondents/State to communicate this order to the concerned Police Station.

(vii) Fees of the appointed Advocate is quantified at Rs.10,000/-, to be paid by High Court Legal Services Sub Committee, Aurangabad.

(R.M. JOSHI, J.)

agd