



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 2077 OF 2024

**AKSHAY HIRACHAND TRIBHUVAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr. Shaikh Joyeb I.

APP for Respondents/State : Mr. Aftab Ahmed Khan

Advocate for Respondent No.2 : Mrs. Pooja K. Apache (Appointed)

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CORAM : MEHROZ K. PATHAN, J.

DATE : 27th JANUARY 2026

PER COURT :

1. Heard the learned Counsel for the Applicants, the learned appointed Counsel for Respondent No.2 and the learned APP for the State.
2. The Applicant has approached this Court, seeking anticipatory bail in connection with Crime No.354/2024 registered with Shrirampur Taluka Police Station, District Ahmednagar for the offences punishable under Sections 363, 366(A), 376, 109 and 34 of the IPC, 1860 and Sections 4, 8, 12, 16 and 17 of POCSO Act and Sections 3/25 of the Arms Act, 1959.
3. The learned Counsel for the Applicant submits that this

Court vide order dated 25.03.2025 has protected the Applicant with condition that the Applicant shall attend the Investigating Officer on 29.03.2025 and 30.03.2025. The Applicant has attended the Investigating Officer and has cooperated with the investigation. The Applicant is deliberately roped into the present crime, despite there being no role attributable to the Applicant. The perusal of the FIR and the subsequent statement recorded under Section 183 BNSS of the complainant would, at the most, make out a case for abetment of the crime by the main accused, Yogesh. The main accused Yogesh is already arrested and behind bar. The Applicant is not having any criminal antecedents and is ready to abide by any conditions that may be imposed this Court. Thus the interim order dated 25.03.2025 may be continued and confirmed and the Applicant may be released on anticipatory bail.

4. As against this, the learned APP as well as the learned appointed Counsel strongly oppose the present application on the ground that though the Applicant is not named in the initial FIR which is filed only for the missing of the victim girl. The subsequent statement of the victim, aged 15 years, 7 months, and 29 days, was recorded on 07.08.2023 after the girl was found, wherein she specifically narrated the role of the present Applicant in the commission of the said crime and in abetting the main accused, Yogesh. The statement of the complainant was also recorded under Section 183 BNS and as such the complainant has reiterated the allegations made against the present Applicant. The Applicant was

not only providing the information to the main accused Yogesh but as also made arrangement for stay of the main accused Yogesh along with kidnapped victim girl at the residence of his sister, Pallavi at Gujarat. The allegations against the Applicant is of kidnapping a minor victim girl. The offence is punishable with life imprisonment and as such the Applicant may not be released on bail.

5. I have gone through the investigation papers and the interim order dated 25.03.2025. This Court while granting interim order has made a prima facie observations about the allegations as against the present Applicant. The statement of the missing girl dated 07.08.2023, as well as the statement recorded under Section 183 BNS, only allege abetment at the behest of the present Applicant in providing information to the main accused, Yogesh, over the telephone while the girl was kidnapped by him and making arrangement of stay of main accused Yogesh and the victim girl while at Gujarat. The Applicant is not having any criminal antecedents and the Applicant has attended the Investigating Officer and has cooperated with the investigation. The apprehension of the learned APP that the Applicant may tamper with the evidence or flee away from the ends of justice, can be taken care of by imposing stringent conditions upon the present Applicant. Hence the following order :

ORDER

- (i) The application is allowed.
- (ii) The interim order dated 25.03.2025 is hereby confirmed.

(iii) The Applicant shall attend the Shrirampur Taluka Police Station, District Ahmednagar on every Saturday till filing of the supplementary charge-sheet if any, as against the present Applicant.

(iv) The Applicant is directed not to threaten the prosecution witnesses.

(v) Any single violation, such as committing a similar offence or threatening the witnesses, would entitle the prosecution to seek cancellation of bail.

(vi) The fees of the learned appointed Counsel shall be quantified and paid by the High Court Legal Aid Services Sub-Committee, expeditiously.

(vii) The application stands disposed of.

MEHROZ K. PATHAN
JUDGE

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