



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

921 BAIL APPLICATION NO. 925 OF 2025

1. Shobhabai Sheshrao Gaikwad
2. Chandrakant Sheshrao Gaikwad
3. Sheshrao Ganpati GaikwadApplicants

VERSUS

The State of Maharashtra & anotherRespondents

Mrs. M. P. Ware, Through Legal Aid, Advocate for Applicants.

Mrs. P. V. Diggikar, APP for the State.

Mr. S. S. Manale, Advocate for Respondent No. 2.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 11th FEBRUARY, 2026.

PER COURT :

1. Applicants have preferred this application seeking regular bail in connection with Crime No. 0015/2025 registered with Malkoli Police Station, District Nanded, for the offences punishable under Sections 137-2, 142, 140-1 of Bharatiya Nyaya Sanhita, 2023 and Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice, other Inhuman and Aghori Practices and Black Magic Act, 2013 and Section 17 of the Protection of Children from Sexual Offences Act.

2. The case of prosecution is that the daughter of the informant i.e. victim was residing with his in-laws at Mauja Paranda for studies. On 20.01.2025 at about 4.00 pm she returned from school and at 5.00 pm went to play outside. When she did not return home, his in-laws and sister searched her. Since she could not be traced out, First Information Report came to be lodged on the allegation of kidnapping.

3. Learned Counsel for the Applicants submits that the Applicants are falsely implicated in the offence. First Information Report is lodged against unknown persons. There are no criminal antecedents against the Applicants. Applicants are behind the bar since more than one year and having regard to their age, further incarceration is not justified. Hence, prayed to allow the application.

4. Per contra, learned APP and learned Counsel for the informant vehemently opposed the application submitting that the Applicants are involved in serious offence. The material seized during the search of their house indicates their complicity in the offence. Further, it is submitted that investigation in the crime is in progress and

incarceration of the Applicants is warranted. Hence, prayed to reject the application.

5. Upon considering submissions of both sides and on perusal of record, it is prima facie evidence that initially, the First Information Report is lodged against unknown person. Subsequently, victim was found in the house of accused under suspicious ritual practice. The opinion expressed by the Medical Officer cannot be used as a sole basis to withhold liberty especially when the victim is returned to her parents. Allegations of black magic unless corroborated by substantial evidence cannot be inferred merely on conjuncture and surmises.

6. So far as Applicant Shobhabai is concerned, she being a woman is entitled for special consideration under Section 480 of the BNSS for bail.

7. Nevertheless investigation in the crime is complete. There are no criminal antecedents against the Applicants. Considering the age of the Applicant Nos. 1 and 3 and the fact that the First Information

Report is silent about their names, I am inclined to exercise discretion favour of the Applicants.

6. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicants Shobhabai Shesherao Gaikwad, Chandrakant Sheshrao Gaikwad and Sheshrao Ganpati Gaikwad be released on bail, on furnishing P.R. bond in the sum of Rs. 15,000/- (Rs. Fifteen Thousand) each with one or two local solvent sureties, in the like amount, in connection with Crime No. 0015/2025 registered with Malkoli Police Station, District Nanded, for the offences punishable under Sections 137-2, 142, 140-1 of Bharatiya Nyaya Sanhita, 2023 and Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice, other Inhuman and Aghori Practices and Black Magic Act, 2013 and Section 17 of the Protection of Children from Sexual Offences Act, on the following conditions :-

- (a) The Applicants shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
- (b) The Applicants shall attend the trial on each and every date unless exempted by the Trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
- (c) The Applicants shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address

and phone numbers of the Applicant and two of the near relatives.

(d) In case of breach of any of the conditions by the Applicants, it is open for the prosecution to move the concerned Court seeking cancellation of bail.

(iii) Fees of the learned Counsel appointed on behalf of the Applicants is quantified at Rs. 10,000/-. The same to be paid by High Court Legal Services Sub-Committee, at Aurangabad.

(iv) Needless to state that, nothing stated hereinabove shall be construed as an expression on merits of the case. Learned Trial court shall proceed independently and uninfluenced by the observations made hereinabove.

(SACHIN S. DESHMUKH, J.)

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