



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

BAIL APPLICATION NO.1889 OF 2025

Dnyaneshwar Sopan Gangurde

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....
Mr. R.R. Karpe, Advocate for applicant
Ms R.R. Tandale, A.P.P. for respondent No.1 – State
Mr. Kabade, Advocate for respondent No.2
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 7th JANUARY, 2026

PER COURT :

By this application, the applicant seeks his release on regular bail in connection with Crime No.547/2025, registered with Newasa Police Station, District Ahilyanagar for the offences punishable under Sections 137(2), 64(2-f)(2-m), 83, 87 of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act.

2 . Initially, the informant, who is father of the victim, lodged

the complaint on 30/5/2025 with an assertion that the victim has left the house in the midnight of 30/5/2025 at about 1.15 a.m. Realising that the victim is not available in the house, her search was taken to the adjoining premises, confirming that she is abducted by an unidentified person from his lawful custody. Preceded by the same, it appears that, the victim accompanied the applicant from the midnight of 29/5/2025 to Nasik, where allegedly the physical relationships were established. The statement further indicates that, the victim was in relationship with the present applicant from last five years and they were interacting on phone. In the aforesaid backdrop, the F.I.R. bearing Crime No.547/2025 was registered with Newasa Police Station, in relation to which the applicant came to be arrested on 2/6/2025.

3. Learned counsel for the applicant submits that, the applicant and the victim were in relationship. The victim has accompanied the applicant and joined his company at her own accord, conscious of the consequences. The investigation is complete. The charge sheet is filed and even the parties are resolute to resolve the issue which is evident from the affidavit presented on behalf of the informant. As such, further custody of the applicant would be unjustified.

4. Per contra, the learned A.P.P. has vehemently opposed the application, submitting that the applicant is indulged in a heinous offence. The applicant has abducted the victim who is minor. The punishment for commission of the offence under the POCSO Act is rigorous imprisonment for 20 years. As such, the learned A.P.P. submitted that, considering the complicity of the applicant in the incident, the same would disentitle the applicant for bail. As such, the applicant does not warrant consideration and the application be rejected.

5. Upon hearing the learned counsel for the applicant and the learned A.P.P. and on perusal of the chargesheet and the statement placed on record, the initial complaint of the informant-father that the victim left the house in the intervening night between 29/5/2025 and 30/5/2025, the statement of the victim indicates that the victim accompanied the applicant from Nasik and eventually to Newasa, where she stayed at the house of the applicant accompanied with his parents till 31/5/2025. However, after receipt of the information, the parents of the victim reached there and received the complainant and thereafter only the statement of the victim is recorded. Thus, it prima facie appears that, the victim has acted at her own volition and accompanied the applicant by leaving

the house in the midnight and further stayed at the house of the applicant for more than two days i.e. till 31/5/2025 and after noticing the place of the victim, the parents of the victim reached there to receive her, the complaint is lodged. In this view of the matter, the case is made out for grant of bail. Nevertheless, the investigation is complete for all intents and purposes and considering the number of witnesses which the prosecution is likely to examine during the course of trial, the trial is unlikely to conclude within a reasonable period. Therefore, in my considered opinion, indefinite incarceration of the applicant is unjustified. Thus, the application warrants consideration, and accordingly, the discretion deserves to be exercised in favour of the applicant. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Dnyaneshwar Sopan Gangurde be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in the above crime, on the conditions that :
 - (a) The applicant shall not tamper with the prosecution witnesses.

- (b) The applicant shall remain present on each date, unless exempted by the trial Court.
- (iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

fmp/-