



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2033 OF 2025

Vivek Ravindra Muntode

....Applicant

VERSUS

The State of Maharashtra & another

.....Respondents

Mr. K. N. Shermale, Advocate for Applicant.

Mr. C. V. Bhadane, APP for the State.

Mr. Y. A. Jadhav, Advocate (Appointed) for Respondent No. 2.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 16th JANUARY, 2026.

PER COURT :

1. The Applicant seeks regular bail in connection with Crime No. 133/2025 registered with Ashwi Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 137(2), 64(2)(D), 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8, 12, 21 of Protection of Children from Sexual Offences Act.

2. In short, the case of the prosecution is that on 05.07.2025 at about 5.15 am, when the informant and his family members woke up for performing Namaz, could not see daughter namely Saniya, who is a minor girl, in the house. Thereafter all searched for Saniya. When they could not trace her whereabouts, lodged the First Information

Report on the allegation that Saniya was kidnapped by unknown person.

3. Learned counsel for the Applicant submits that there is consensual relationship between the victim and the Applicant which is evident from the statement of victim. It is further submitted that the Applicant is an innocent person and falsely implicated in the case. The investigation of the case has been completed and the charge-sheet is also filed. As such, further incarceration of the Applicant is not warranted. Hence, prayed to allow the Application.

4. Learned APP for the State and learned Counsel for Respondent No. 2 vehemently opposed the Application. It is submitted that the Applicant lured the victim, who is a minor girl and was taken from the custody of her parents. As such, this conduct of the Applicant disentitles him any relief. Further an apprehension is also expressed that if the Applicant is enlarged on bail, there is every possibility of tampering the prosecution evidence. As such, prayed to reject the application.

5. Upon considering the submissions of both the sides and perusal of the material on record, including charge-sheet, indicates that the victim was acquainted with the Applicant through social media and they were in relationship. The statement of the victim reveals that the Applicant had taken the victim to his house with an assurance that he would marry her, where allegedly, the Applicant established physical relationship with the victim against her will by threatening.

6. It is pertinent to note that the victim was over 17 years of age at the time of alleged incident. She had accompanied with the Applicant for a considerable period and never made any attempt to contact her parents. This conduct of the victim prima facie creates serious doubt on the allegations made by her, therefore, it appears to be a case of over implication.

7. Nevertheless, investigation is complete for all intent and purpose and nothing is to be recovered from the Applicant. The apprehension expressed by learned APP can be taken adequate care by imposing stringent conditions upon the Applicant.

8. Hence the following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Vivek Ravindra Muntode, be released on bail, on furnishing P.R. bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with Crime No. 133/2025 registered with Ashwi Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 137(2), 64(2)(D), 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8, 12, 21 of Protection of Children from Sexual Offences Act., on the following conditions :-
 - (a) The Applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The Applicant 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 Applicant 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 Applicant, it is open for the prosecution to move this Court seeking cancellation of bail.

(iii) Needless to state that the observations rendered herein are to the extent of this Application and the Trial Court shall not be influenced by the same.

7. The High Court Legal Services Sub-Committee, Aurangabad, to pay fees of learned Counsel appointed for Respondent No. 2 as per rules.

(SACHIN S. DESHMUKH, J.)

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