



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

BAIL APPLICATION NO.2357 OF 2025

Sandip s/o Sahebrao Pawar

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. N.B. Narwade, Advocate for applicant
Mr. B.B. Bhise, A.P.P. for respondent – State
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 19th JANUARY, 2026

PER COURT :

1. By this application, the applicant seeks his release on regular bail in connection with Crime No.311/2025, registered with Pundlik Nagar Police Station, District Chhatrapati Sambhajnagar for the offences punishable under Section 109(1), 137(2), 140(1), 61(2), 318(4), 336(3), 340(2), 3(5), 3(6) of the Bhartiya Nyaya Sanhita, 2023, Sections 4/25 of the Arms Act and Section 84 of the Juvenile Justice (care and Protection of Children) Act, 2015.

2. The prosecution case is that the informant, who was working as driver with Ashok Pandurang Upadhye, brought granddaughter of Ashok Upadhye namely Aarya Upadhye on 16/7/2025 from school to house. Thereafter, he took her for tuition classes at 5.00 p.m. After the tuition classes at 7.00 p.m., he was bringing back Aarya to home in Swift Dezire vehicle, an unknown person came near the vehicle and made some gesture. Thereafter, one Santro car came there. Two persons alighted from the said Santro Car and tried to pull Aarya from the vehicle. When the informant tried to save her, one person gave a knife blow on his palm and took away Aarya. The informant tried to chase them, but they fled away. After some time, they dropped Aarya. Aarya informed that when they asked mobile number of her father, she gave the number "100" and informed the assailants that her father is a police person. Therefore, they left her back.

3. The applicant was arrested on 17/7/2025 and since then he is in custody. Learned counsel for the applicant submits that, the applicant has been falsely implicated in the present case and has not committed any offence and the applicant was not member of the criminal conspiracy nor used any weapon. The

investigation is complete and chargesheet has been filed. As such, prayed to allow the application.

4. Per contra, learned A.P.P. vehemently opposed the bail application, contending that the offence committed by the applicant is serious in nature as the child was attempted to be kidnapped by the applicant and his associates. He further submitted that, the informant and the applicant are from the same village and if released on bail, he would threaten the witnesses. As such, prayed to reject the application.

5. Having heard the submissions from both the sides and upon perusal of record including chargesheet, indicates that, initially the F.I.R. was lodged against unknown persons. The name of the present applicant along with co-accused surfaced during the investigation and allegedly the accused have confessed about the same to the police.

6. The record further indicates that, the co-accused namely Babasaheb, Baliram, Dnyaneshwar are released on bail by the Trial Court. Moreover, there is no injury certificate on record to substantiate the allegations of Section 109 of the Bhartiya Nyaya

Sanhita. Since the co-accused are enlarged on bail, coupled with the fact that the applicant is in custody for almost 5 months, his further detention would be unjustified.

7. Nevertheless, the investigation is complete for all intents and purposes. 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 Sandip Sahebrao Pawar 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, 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.)

fmp/-