



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2444 OF 2025

KALPESH NANASAHEB DHULSAINDAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Narayan B. Narwade
APP for Respondents-State : Mr. P. P. Dawalkar
Advocate for Respondent No. 2 : Mr. Rajendra K. Temkar
...

CORAM : SACHIN S. DESHMUKH, J.

Date : 10th February, 2026

ORDER :-

1 The applicant has approached this Court seeking regular bail in connection with FIR dated 07.04.2025 bearing Crime No. 251 of 2025 registered with Sangamner Taluka Police Station for the offences punishable under Sections 64, 65(1), 78, 137(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 11(4), 12 and 17 of Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that the informant filed a complaint against applicant Kalpesh and Ganesh. According to the informant, Ganesh Sable, a watchman at her school, introduced her to his maternal uncle / applicant. Following this introduction, Ganesh Sable repeatedly insisted the informant to marry his uncle boasting of his land and wealth. When the informant refused to

provide her contact number to applicant, started stalking and chasing her in his four-wheeler during her daily commute between Vadgaonpan Phata and Pokhli Haveli.

3. It is further alleged that on 04.04.2025 approximately at 07:30 am, the situation escalated when applicant intercepted the informant in front of her school. Applicant asked her to accompany him, and upon refusal on the part of victim, applicant forcibly grabbed hand, committed acts intended to outrage her modesty and coerced into his vehicle. Applicant then transported to the Maruti temple in Kanhe Ghat, where he again insisted for marriage.

4. Following her continued refusal, applicant returned to the school premises at 04.04.2025 at 11:30 am before fleeing the scene. Distressed by the encounter, the informant initially disclosed the incident to her grandmother and cousin. Accordingly, the FIR came to be lodged.

5. The learned counsel for the applicant submits that the the allegations leveled against the applicant are entirely baseless, concocted and fueled by a personal misunderstanding rather than any criminal intent. The narrative presented by the informant fails to establish a prima facie case of kidnapping or criminal force. The

investigation is complete and the charge-sheet is filed. Further incarceration of the applicant is unjustified. Hence, it is prayed that the application be allowed.

6. The learned APP and the learned counsel for respondent No. 2 have vehemently opposed the application, submitting that the accused is involved in a serious offence involving the kidnapping and molestation of a minor girl. The systemic stalking and subsequent physical coercion exercised by the accused has caused severe psychological trauma to the minor victim. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence. As such, it is prayed that the application be rejected.

7. Considering the submissions of both sides and perusing the material on record, including the charge sheet and the FIR, it indicates that while the allegations involve the abduction and outraging of a minor's modesty, the factual matrix prima facie indicates that the victim returned to school by 11:30 am on the same day.

8. Pertinently, the allegations prima facie indicates that the accused took the victim in his car and purportedly proposed

marriage, which victim refused. Upon the refusal, applicant promptly dropped the victim back at the school premises. The victim has specifically alleged that the applicant held her hand, asserting that this act constituted an outrage to the modesty. However, apart from this assertion, the record is devoid of any other elements of force or coercion. Thus, the custodial interrogation of the accused is no longer necessary for the purpose of further investigation.

9. Nevertheless, the investigation of the case has been completed and eventually the charge-sheet is also filed. Nothing remains to be recovered at the instance of applicant. The arrest of the applicant is effected on 15.09.2025 and since then, he is in jail. Thus, no fruitful purpose would be served by keeping the accused behind the bar.

10. Keeping in view the peculiar facts and circumstances of the case, the applicant's right to liberty needs to be upheld by imposing stringent conditions. The learned APP's and the learned counsel for respondent No. 2's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions. In that view of the matter, the applicant deserves to be released on bail.

11. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – **Kalpesh Nanasaheb Dhulsaindar** be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 251 of 2025 registered with Sangamner Taluka Police Station for the offences punishable under Sections 64, 65(1), 78, 137(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 11(4), 12 and 17 of Protection of Children from Sexual Offences Act, 2012, on the following conditions :-
 - (a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (b) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of 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 the concerned Trial Court seeking cancellation of bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)