



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2511 OF 2025

ANKUS RAJU GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Santosh C. Bhosle
APP for Respondents-State : Ms. R. R. Tandale
Advocate for Respondent No. 2 : Ms. Pratibha R. Jamdhade
(Appointed)

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 29.04.2025 bearing Crime No. 77 of 2025 registered with Mudkhed Police Station, Dist. Nanded for the offences punishable under Sections 65(1), 87, 137(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 8 of Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that the instant FIR was lodged by the mother of the victim, alleging that on 27.04.2025, minor daughter, went missing from their residence. Consequently, the FIR was registered under Section 137(2) of the Bharatiya Nyaya Sanhita (BNS).

3. It is the further case of the prosecution that the Investigating Officer conducted a search for the victim, who was subsequently located on 18.05.2025 at Chhatrapati Sambhajanagar in the company of the accused. The victim's statement was recorded by the Investigating Officer on 19.05.2025. Following a medical examination and based on the victim's statement, Sections 65(1) and 87 of the BNS, along with Sections 4 and 8 of the POCSO Act, were added to the charges.

4. The learned counsel for the applicant submits that the victim was conscious of the consequences of being in a relationship with the accused. There is an unexplained gap between the date the victim went missing (27.04.2025) and when she was found (18.05.2025). The learned counsel further submits that the POCSO and additional BNS sections were only added on 19.05.2025 following a subsequent statement, which indicate an improvement. Nothing remains to be recovered at the applicant's instance. Hence, it is prayed that the application be allowed.

5. The learned APP and the learned counsel for respondent No. 2 have vehemently opposed the application, submitting that these accused have sexually exploited the victim. The offence is

serious in nature. 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.

6. Considering the submissions of both sides and perusing the material on record, including the charge sheet, it is a matter of record that the victim was missing from 27.04.2025 until she was located on 18.05.2025 at Chhatrapati Sambhajnagar. The significant duration of time (21 days) and the distance traveled prima facie indicate a degree of movement that requires detailed adjudication during the trial. Thus, prima facie, the factual matrix those are emerging does not reflect any active inducement on the part of the accused.

7. Apart from the aforesaid aspect, the investigation of the case is complete for all intent and purpose and eventually the charge-sheet is also filed. Nothing remains to be recovered at the instance of applicant. Thus, no fruitful purpose would be served by keeping the accused behind the bar.

8. 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 apprehension expressed by

learned APP and the learned counsel for respondent No. 2 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.

9. The High Court Legal Services Sub-Committee, High Court Bench at Aurangabad, to pay the fees to the learned counsel appointed on behalf of respondent No. 2, as per rules.

10. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant - Ankus Raju Gaikwad 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. 77 of 2025 registered with Mudkhed Police Station, Dist. Nanded for the offences punishable under Sections 65(1), 87, 137(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 8 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 enter into the vicinity of village Navi Aabadi, Tq. Mudkhed, Dist. Nanded, till conclusion of the trial.
 - (c) The Applicant shall not pressurize the prosecution

witnesses and shall not tamper with the prosecution evidence, in any manner.

- (d) 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.
 - (e) 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.)

Omkar Joshi