



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 903 OF 2025

Gajanan Konduji Alias Kondu Payghan

VERSUS

The State Of Maharashtra And Others

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- Mr. Ranjit Mahajan, Advocate h/f. Mr. S. K. Chavan, Advocate for Applicant
- Mr. V. K. Dama, APP for Respondent Nos. 1 and 2 - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 16.01.2026

PER COURT :

1. Heard learned counsel for the applicant and the learned APP for the respondent Nos. 1 and 2 – State.
2. The applicant has approached this Court apprehending arrest in connection with FIR No. 146 of 2024, dated 05.04.2024, registered with Sengaoon Police Station, District Hingoli, for the offences punishable under Sections 363, 366-A read with Section 34 of the Indian Penal Code, 1860.
3. The case of the prosecution is that the informant, Rameshwar Baliram Dhole, lodged the FIR alleging that the victim is his daughter, who was studying in 11th standard at the time of the incident. On 04.04.2024, when the informant returned home after finishing his

agricultural work, he did not find the victim girl in the house. He therefore suspected that the applicant, who was allegedly attempting to contact his daughter, might have kidnapped her and prayed for appropriate action against the accused/applicant.

4. This Court, vide order dated 29.05.2025, protected the present applicant by granting ad-interim relief, subject to the condition of attending the concerned police station as and when required by the Investigating Officer. Learned counsel for the applicant submits that the applicant has complied with the interim order dated 29.05.2025.

5. Learned counsel for the applicant submits that the applicant was arrayed as an accused merely on suspicion. This Court therefore granted protection to the applicant by the ad-interim order dated 29.05.2025. The applicant has attended the police station and cooperated with the investigation. This Court has also taken note of the statement of the victim recorded under Section 164 of the Cr.P.C., wherein she reiterated that she had left the house on her own will and was not enticed by the applicant. The said fact was confirmed by the learned APP and therefore the interim order was passed. The applicant has no criminal antecedents and is ready to abide by any conditions imposed by this Court.

6. Learned APP strongly opposes the present application on the ground that the victim was a minor, whereas the applicant is a major

and a married person having two children. The applicant is a near relative of the victim and there is every likelihood that if the applicant is released on bail, he may again threaten the victim, thereby causing prejudice to the prosecution case. It is further submitted that the statement of one Pralhad Nagulkar reveals that the applicant had come along with the victim girl to his house on 04.04.2024, i.e. on the date of the incident when the girl went missing. The said witness reprimanded the applicant for bringing the minor girl to his house. According to the prosecution, this establishes the involvement of the applicant in kidnapping the minor girl, who was aged about 17 years and 3 months at the relevant time. Thus, there is sufficient material against the applicant and this is not a fit case for grant of anticipatory bail.

7. I have perused the investigation papers made available by the learned APP. The papers reveal that the Investigating Officer has recorded the statement of the minor girl under Section 183 of the BNSS, wherein she has specifically stated that she left her house on her own will. The victim has further stated that the applicant was named in the FIR only on suspicion and that no role was played by him in kidnapping her. She has also stated that she has been regularly visiting the Devsthan for the last one year and that she is not willing to go with her parents. Be that as it may, the said evidence will have

to be established before the learned Trial Court by leading evidence. However, insofar as the necessity for custodial interrogation of the applicant is concerned, I do not find that any further custodial interrogation is required for completion of investigation. The apprehensions raised by the learned APP can be taken care of by imposing stringent conditions. Hence, the following order :-

ORDER

- i. The Anticipatory Bail Application is allowed.
- ii. The interim order dated 29.05.2025 is hereby confirmed, subject to the following further conditions:
 - A) The Applicant is directed to attend the concerned police station and report to the Investigating Officer on 22nd, 23rd, 29th, 30th January, 2026 and 05th and 6th February, 2026 between 12:00 noon and 02:00 p.m. and thereafter as and when called for.
 - B) The applicant shall not enter Village Jaipur, Taluka Sengaon, District Hingoli, till framing of the charge.
 - C) The applicant shall furnish an alternate residential address outside the said jurisdiction to the Investigating Officer and shall not change the same without prior intimation.
 - D) The Applicant shall also cooperate with the investigation.

- E) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - F) The applicant shall furnish copies of his Aadhaar Card and PAN Card to the Investigating Officer along with the addresses and mobile numbers of two nearest relatives.
8. Violation of any of the aforesaid conditions shall entitle the prosecution to seek cancellation of bail.
9. The observations made herein are prima facie and shall not influence the Trial Court while deciding the case on its own merits.
10. In view of the above, the application stands disposed of.
11. Pending applications, if any, also stand disposed of.

(MEHROZ K. PATHAN, J.)