



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1195 OF 2025

Suprabuddha Arjun Gaikwad

VERSUS

The State Of Maharashtra And Another

...

- Mr. M. S. Bansode, Advocate for Applicant
- Mr. AAA Khan, APP for Respondent No. 1 - State
- Ms. Khan Sultana Rahim, Advocate (appointed) for Respondent No. 2 - Victim

...

CORAM : MEHROZ K. PATHAN, J.

DATED : 09.02.2026

PER COURT :

1. Heard learned counsel for the applicant and the learned APP for the respondent No. 1 – State and learned appointed counsel for respondent No. 2 – Victim.
2. The applicant has approached this Court apprehending arrest in connection with FIR No. 609 of 2024 dated 15.10.2024, registered with Ahmedpur Police Station, District Latur, for the offences punishable under Sections 74, 352, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023, and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel for the applicant submits that a bare perusal of the FIR would indicate that the victim was in a consensual relationship with the applicant and there are no allegations of sexual intercourse. The statement of the victim girl recorded during the course of investigation does not allege any forcible sexual act nor any attempt on the part of the applicant to remove her from lawful guardianship. It is further submitted that the applicant has cooperated with the investigation pursuant to the notice issued under Section 35 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and the charge-sheet has already been filed. The applicant is a student aged about 23 years, has no criminal antecedents and is ready to abide by any conditions imposed by this Court. Hence, protection is sought.

4. As against this, learned APP and learned appointed counsel for respondent No.2 – Victim strongly oppose the application on the ground that the victim is a minor aged about 17 years and the allegations are serious. It is contended that the applicant threatened to misuse the victim's photographs and also issued threats to her parents. Considering the gravity of offences under the POCSO Act, anticipatory bail ought not to be granted.

5. I have perused the investigation papers produced by the learned APP. The statement of the victim recorded under Section 164 reveals that she has not alleged any sexual assault by the applicant.

She has stated that she voluntarily accompanied the applicant to Latur for watching a movie. There are no medical examination papers on record. Though the victim was aged about 17 years, the material on record indicates absence of any allegation of sexual assault. The applicant has cooperated with the investigation pursuant to the notice issued under Section 35 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and the charge-sheet has already been filed. Hence, custodial interrogation of the applicant does not appear to be necessary. Reliance may be placed on the observations of the Division Bench of this Court in ***Sunil Mahadev Patil vs. State of Maharashtra***, 2015 SCC OnLine Bom 6204. The apprehensions expressed by the learned APP and the learned appointed counsel for the victim can be adequately addressed by imposing stringent conditions upon the applicant. Therefore, I am inclined to grant anticipatory bail in exercise of powers under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, the following order is passed :—

ORDER

- i. The Anticipatory Bail Application is allowed.
- ii. In the event of arrest of the applicant Suprabuddha Arjun Gaikwad, he shall be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand only) with one or two solvent sureties in the like amount, in connection with FIR No. 609 of 2024 registered with Ahmedpur Police

Station, District Latur, for the offences punishable under Sections 74, 352, 351(2), 351(3) of BNS and Sections 8 and 12 of the POCSO Act, subject to the following conditions:

- A) The Applicant is directed to attend the concerned police station and report to the Investigating Officer as and when called.
- B) The Applicant shall also cooperate with the investigation, if any.
- C) The applicant shall not enter the jurisdiction of Ahmedpur Police Station till framing of the charge, except for the purpose of investigation or court proceedings, unless prior permission is obtained from the Superintendent of Police, Latur.
- D) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- E) 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.

6. Needless to say, violation of any of the aforesaid conditions may entitle the prosecution to seek cancellation of the anticipatory bail granted hereinabove.

7. The observations made herein are prima facie and shall not influence the Trial Court while deciding the case on its own merits.
8. Fees of the appointed counsel Ms. Khan Sultana Rahim, representing Respondent No.2 – complainant, shall be paid as per the schedule of fees prescribed by the High Court Legal Aid Services Sub-Committee, Aurangabad, expeditiously.
9. In view of the above, the Anticipatory Bail Application stands disposed of.

(MEHROZ K. PATHAN, J.)