



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 ANTICIPATORY BAIL APPLICATION NO. 1957 OF 2025

VAIBHAV VISHNU KALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr.P.A.Bharat
APP for Respondent-State : Mr.K.K.Naik
Advocate for Respondent no.2 : Mr.V.S.Wakale
...

CORAM : MEHROZ K. PATHAN, J.
DATE : 17.02.2026

P.C. :

1] Heard the learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the respondent no.2.

2] The applicant has approached this Court seeking anticipatory bail in connection with Crime No. I-0590/2025, dated 05.07.2025, registered with Shevgaon Police Station, Tq. Shevgaon, District Ahmednagar, for the offence punishable under Sections 323, 376 (2) (1), 376 (2) (n) of the IPC and under Section 3, 4 of Protection of

Children from Sexual Offences Act and Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006.

3] The learned counsel for the applicant submits that the applicant has married with the victim with the consent of the entire family members. The marriage was performed as per Hindu Rites and Ritual with the consent of the parents of the victim girl. The family of the victim as well as the family of the applicant are related. The applicant is falsely roped-in in the present crime. There is delay in lodging the FIR and the same is concocted one. There was no forcible sexual intercourse with the victim at the behest of the present applicant. Nothing is to be recovered at the instance of the present applicant. The applicant is not having antecedents and is ready to abide by any conditions that may be imposed by this Court. Hence, the present applicant may be released on anticipatory bail.

4] As against this, the learned APP as well as the learned counsel for the respondent no.2 vehemently oppose the present application on the ground that the applicant is

involved in the serious offence. The stringent provisions of POCSO Act are also invoked against the present applicant. The date of birth of the victim is 07.09.2010 and the applicant is allegedly got married with the victim girl on 26.03.2024 at Varkhed, Taluka Shevgaon, District Ahmednagar. There are allegations of harassment by the applicant and relatives of the applicant on the ground that her mother had not accepted the marriage. She was subjected to sexual relations against her will by the applicant. On 03.06.2025, she was assaulted by means of kick blows and fist blows and driven out of the house by the applicant. On 04.06.2025, she went to Snehalaya Institution, Ahmednagar and was later admitted by MIDC Police to Children Observation Home, Ahmednagar. Hence, taking into consideration gravity of the offence, the applicant may not be released on anticipatory bail.

5] I have gone through the investigation papers, made available by the learned APP. Perusal of the investigation papers as well as the photographs of the

marriage show that the present applicant got married with the victim girl with the consent of the mother of the victim. The relevant provisions of Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006 are invoked against the present applicant. Perusal of the FIR shows that the applicant got married with the victim girl out of her own will without any coercion. Thereafter, after few months of marriage, harassment had started at the behest of the present applicant and father in law Vishnu Kale, mother in law Bhimbai and brother in law Avinash Kale of the victim girl. The brother as well as parents of the present applicant are already protected by the learned Special Judge [POCSO Act] & Additional Sessions Judge, Ahmednagar, vide order dated 25.08.2025 in Cri.M.A.[Bail] No.1073/2025. Taking into consideration the nature of allegations, it appears that, the marriage was performed with the consent of the victim and her mother. Though the provisions of POCSO Act are attracted against the present applicant in the present case, however, absence of any forcible act on the part of the applicant, is worth consideration. Other accused persons,

who are equally alleged of the stringent provisions of POCSO Act as well as Child Prohibition Act are already released on anticipatory bail by the learned Sessions Court, vide order dated 25.08.2025. The custodial interrogation of the applicant may not be necessary in the present case. The apprehensions of the learned APP as well as the learned counsel for the respondent no.2 that the applicant may threaten the prosecutrix / victim and thereby cause prejudice to the prosecutrix or her mother and other family members, can be taken care of by imposing certain conditions upon the applicant while releasing on anticipatory bail. Hence the following order :

ORDER

I] In the event of arrest of the applicant, he be released on furnishing P.R. bond of Rs.50,000/- [Rs. Fifty Thousand], with two solvent sureties in the like amount, in connection with Crime No. I-0590/2025, dated 05.07.2025, registered with Shevgaon Police Station, Tq. Shevgaon, District Ahmednagar, for the offence punishable under Sections 323, 376 (2) (1), 376 (2) (n) of the IPC and under Section 3, 4 of Protection of Children from

Sexual Offences Act and Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006, on the following conditions :

A] The applicant is directed to attend the concerned police station and report to the Investigating Officer on 21.02.2026, 23.02.2026, 28.02.2026, 02.03.2026, 07.03.2026 and 09.03.2026 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called by the Investigating Officer till filing of the charge sheet.

B] The applicant shall also co-operate with the investigation.

C] The applicant shall not enter village Varkhed, Taluka Shevgaon, Dist. Ahmednagar where the victim along with her mother are residing.

D] The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

E] The applicant shall not enter Shevgaon, Taluka Shevgaon, District Ahmednagar, except for attending the Police Station on given dates.

6] Needless to say, violation of any of the aforesaid

conditions shall entitle the prosecution or complainant to seek cancellation of the anticipatory bail.

7] The observations made herein above are prima facie in nature and shall not influence the Trial Court while deciding the case on its own merits.

8] The Anticipatory Bail Application is disposed of accordingly.

[MEHROZ K. PATHAN]
JUDGE

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