



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 61 OF 2026

SAMBHAJI BALAJI TIDKE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Prashant M. Nagargoje
APP for Respondent : Mr. B. B. Bhise
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 02-02-2026

PER COURT:-

1. The applicant seeks bail in connection with Crime No.386 of 2024 dated 13.11.2024 registered with Loha Police Station, District Nanded, for the offences punishable under Sections 64(1), 65(1), 107, 212 of the *Bharatiya Nyaya Sanhita, 2023* and Sections 4, 6, 8, 12, 17 and 21 of the Protection of Children From Sexual Offences Act, 2012 with Sections 9, 10, 11 of the Child Marriage Restraint Act. In the said crime, the applicant was arrested on 11.01.2025. After completion of the investigation, the chargesheet is filed.

2. The prosecution case is that on 07.11.2024, an Accidental Death case was registered under Section 194 of the BNSS, 2023. Although the victim's father initially claimed she was happily married, later alleged that she committed suicide on 05.11.2024 due to frustration caused by her husband's frequent absences as a truck driver. During the inquiry, the Investigating Officer secured a

School Leaving Certificate on 11.11.2024, which recorded the victim's Date of Birth as 06.05.2010. Further evidence from a marriage invitation card confirmed the wedding took place on 12.05.2023, revealing the victim was barely 13 years old at the time. The investigation alleges that the husband, parents, and in-laws knowingly performed the marriage of a minor and provided false information to the police regarding her age. Consequently, the first information report is lodged.

3. The learned counsel for the applicant submits that the applicant has been in custody since 11.01.2025 without charges being framed, and with no conclusive evidence, such as primary school records, to prove the deceased's minority or his involvement in document fabrication. There are no specific allegations of instigation, cruelty, or overt acts under Section 107 of the BNS, and the postmortem report confirms an absence of physical injuries. Furthermore, the proximity between the applicant and the incident is severed as the suicide occurred at the deceased's parental home, and the unexplained delay in filing the FIR suggests that the same is afterthought. It is submitted that the investigation is complete and the chargesheet is filed. The alleged compromise document is unsigned and inadmissible. The applicant is the sole breadwinner of his family submits that continued incarceration of the applicant serves no purpose. Hence, prayed to release the applicant on bail.

4. The learned A.P.P. has opposed the application, submitting that the applicant, despite being fully aware of the victim's minority, entered into an illegal marriage and subjected her to non-consensual physical relations against her will. This continuous exploitation directly drove the minor to commit suicide, satisfying the ingredients of a grave and heinous offence. The offence is serious in nature. The role of the applicant is direct the circumstances leading to the victim's death, his release would undermine the gravity of the act; therefore, prayed to reject the application.

5. Having heard the respective counsel from both the sides and upon perusal of the material on record, including the charge sheet indicates that the applicant was the husband of the deceased victim and is behind bar since 11.01.2025.

6. Further, *prima facie* there is no specific material on record indicating harassment, cruelty or illtreatment to the deceased victim at the hands of the applicant. The postmortem report does not confirm any injury on the body of the deceased victim. As such, further incarceration of the applicant would be unjustified. Further, the co-accused has been granted bail by the Court.

7. The investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and

concluded within a reasonable period. In any case the report is lodged after an unexplained delay. As such, further detention of the applicant as an under-trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

8. Hence, the order:-

ORDER

- (i) The bail application is allowed.
- (ii) Applicant, Sambhaji Balaji Tidke, be released on bail, upon furnishing P.R. bond in the sum of Rs.50,000/- (Rs.fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with Crime No.386 of 2024 dated 13.11.2024 registered with Loha Police Station, District Nanded, for the offences punishable under Sections 64(1), 65(1), 107, 212 of the *Bharatiya Nyaya Sanhita, 2023* and Sections 4, 6, 8, 12, 17 and 21 of the Protection of Children From Sexual Offences Act, 2012 with Sections 9, 10, 11 of the Child Marriage Restraint Act, on the following conditions:-
 - (a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
 - (c) The applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers 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 this Court seeking cancellation of bail.
- (iii) Needless to state 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.]

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