



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 77 OF 2026

ASLAM KITAB TADAVI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Jay R. Veer
APP for Respondents-State : Ms. R. R. Tandale
Advocate for Respondent No. 2 : Ms. N. D. Ragade (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 16.09.2025 bearing Crime No. 235 of 2025 registered with Adavad Police Station, Dist. Jalgaon for the offences punishable under Sections 137(2), 65(1), 96, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 5(I) and 6 of Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that the informant resides with his wife, their elder daughter (aged 15) and three other minor children. The family earns their livelihood through agricultural labour and resides together in a two-room dwelling house.

3. It is alleged that on 14.09.2025, the family retired to bed at approximately 21:00 hours after evening meal. The informant, his wife, and their three younger children occupied the front room of the house, while the elder daughter / victim slept separately in the back room. Approximately at 23:45 hours, wife of informant woke up and discovered that victim was missing from bed. She immediately alerted the informant and together they conducted an extensive search of the residence and the immediate vicinity, but the girl could not be located.

4. During the initial enquiry, the informant learned that accused Aslam Kitab Tadvi, was also missing from his home, leading the family to suspect his involvement in the girl's disappearance. Accordingly, the FIR came to be lodged against unknown person. During the investigation, the victim's statement was recorded, consequent to which the applicant was impleaded as an accused.

5. The learned counsel for the applicant Mr. Jay Veer submits that the applicant is falsely implicated in the present crime solely on the basis of suspicion, without any cogent evidence linking him to the alleged crime. Such a vague and unsubstantiated suspicion, devoid of any direct eyewitness account or "last seen"

evidence, does not satisfy the legal requirements for continued incarceration. The investigation is complete and the charge-sheet is filed. Nothing remains to be recovered at the applicant's instance. As such, further incarceration of the applicant is unjustified. Hence, it is prayed that the application be allowed.

6. The learned APP and the learned counsel for respondent No. 2 have vehemently opposed the application, submitting that the offence is serious in nature and it consists the victim of tender age. The FIR establishes that the victim is a 15 years old minor. The act of taking a minor out of the lawful guardianship of her parents without their consent constitutes a serious offence under and the protection of the minor's welfare remains the primary concern. 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.

7. Considering the submissions of both sides and perusing the material on record, including the charge sheet, it is a matter of record the entire prosecution case against the applicant prima facie is premised upon a suspicion expressed by the informant. The informant narrated that because the applicant was not found at his residence, he is suspected of kidnapping the minor victim.

8. Moreover, perusal of record prima facie indicates that the victim was in a relationship with the accused. As such, prima facie the victim consciously participated in the act. Thus, prima facie, the factual matrix those are emerging does not reflect any active inducement or coercive conduct on the part of the accused.

9. 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. The arrest of the applicant is effected on 17.09.2025 and since then, he is in jail. Thus, no fruitful purpose would be served by keeping the accused behind the bar.

10. 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 certain stringent conditions. In that view of the matter, the applicant deserves to be released on bail.

11. 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.

12. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Aslam Kitab Tadavi 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. 235 of 2025 registered with Adavad Police Station, Dist. Jalgaon for the offences punishable under Sections 137(2), 65(1), 96, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 5(I) and 6 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 pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) 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.
 - (d) In case of breach of any of the conditions by the

applicant, it is open for the Prosecution to move the concerned Court seeking cancellation of bail, notwithstanding the fact that this Court has passed the order granting 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