



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

924 BAIL APPLICATION NO. 293 OF 2026

JAMILABAI NASARU PATHAN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

WITH

BAIL APPLICATION NO. 549 OF 2026

1. AMOL ISHWAR SONAWANE

2. ROSHAN @ SHRAVAN DHANGAR BHIL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

WITH

925 BAIL APPLICATION NO. 297 OF 2026

JAMILABAI NASARU PATHAN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

WITH

BAIL APPLICATION NO. 554 OF 2026

AJAY SUKLAL DEVDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants in all : Mr. Bhushan Mahajan.
APPs for Respondent/s-State : Mr. C. V. Bhadane, Mr. G. O.
Wattamwar, respectively.

Advocate for Respondent No.2 in all : Mr. Vishwambhar
Bhosale (appointed)

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CORAM : SHAILESH P. BRAHME, J.

DATE : 18.04.2026

PER COURT :-

1. Heard both sides.

2. The applicants are seeking enlargement on bail in respect of offence bearing Crime No.380 of 2025 and Crime No.381 of 2025, respectively both registered with Bhadgaon Police Station, District Jalgaon, for the offences punishable under Sections 137(2), 64(1), 64(2)(i), 64(2)(m), 142, 143 of Bharatiya Nyaya Sanhita and Sections 4 and 6 of POCSO Act.

3. Though distinct offences are registered against the applicants, the incident is common.

4. Bail Application Nos.293 of 2026 and 297 of 2026 are preferred by Jamilabai Pathan in respect of Crime Nos.380 of 2025 and 381 of 2025. Bail Application Nos.554 of 2026 is preferred by Ajay Suklal Devde in respect of Crime No.381 of 2025, Bail Application No.549 of 2026 is preferred by Amol Sonawane and Roshan Bhil in respect of Crime No.380 of 2025. Applicant Jamilabai is arrested on 18.12.2025. Applicant Amol, Roshan and Ajay are arrested on 13.11.2025.

5. The victims are minor girls of 16 and above years old. The informants in both the offences are their mothers. It is reported by them that minor victims eloped from village Girad, Taluka Bhadgaon, District Jalgaon, In the night of 19.10.2025. A complaint of kidnapping by enticement was lodged by the parents. On 13.11.2025, the informants were called in the

Police Station as the victims were found with the accused persons.

6. It revealed in the investigation that in the night intervening 19.10.2025 and 20.10.2025, the victims eloped with three accused boys with whom they were in love and reached Delhi. Applicant Roshan is said to have his aunt's place in Delhi, who is applicant Jamilabai. They are said to have resided with Jamilabai. They were apprehended on 12.11.2025 and brought back to the Police Station. The investigation is over and charge-sheet is filed on 08.01.2026.

7. In this backdrop, learned counsel for the applicant Jamilabai submits that she is 66 years old and having no criminal antecedents. No material is collected to attribute any offence under provisions of the Immoral Traffic (Prevention) Act. There is no incriminating material to connect her to overt act of kidnapping and sexual exploitation of the minors. She is not even acquainted with the victims and the applicants except Roshan, who was nephew.

8. Learned counsel appearing for applicants submits that his clients applicant Ajay, Roshan and Amol were having love affair with the victims. The victims voluntarily accompanied them. The victims are of more than 16 years old. They are

stated to be willing to perform marriage with the victim after attaining majority. No violence or forcible sexual act is noticed in the medical report. The statements of the victims would support their claim.

9. Per contra, learned APPs submit that at the relevant time victims were minors and the consent is inconsequential. Applicant Jamilabai is alleged to have exploited the girls by administering substance to tranquilize them. The statements of the victims under Section 181 as well as 183 are consistent and corroborate the prosecution case.

10. I have considered rival submissions of the parties. The victims, informants, witnesses and accused persons except Jamilabai are from village Girad, Taluka Bhadgaon, District Jalgaon. Applicant Jamilabai is resident of Delhi. Accused boys along with victims are alleged to have travelled from Bhadgaon to Delhi. I do not see any incriminating material against applicant Jamilabai for anything done at Girad. She is paternal aunt of applicant Roshan.

11. Applicant Jamilabai provided shelter to three couples who eloped from Girad. No material is collected to indicate that she was indulging in immoral trafficking or girls were subjected to any act at the instance of Jamilabai at Delhi.

Nothing is placed on record to show that she was aware of the relationship between accused and the victims and she conspired with them. She is 66 years old having no criminal antecedents. Her further detention is unwarranted.

12. A supplementary statement of mother of one of the victim girl recorded on 14.11.2025 and the statements of the victim girls under Section 181 as well as 183 would indicate that the victims were above 16 years of age. They were knowing applicant Ajay, Roshan and Amol. There was love affair between the couples. There was physical relations also. There is no material to show that the girls were forcibly kidnapped by the boys.

13. The statements of the victims would indicate that the promise of marriage were extended by the boys and there were frequent physical contacts. No element of force or coercion or deception is noticed. This Court is aware that when victims are minor, the consent is immaterial. But the consequences of consensual act can be looked at the conclusion of trial.

14. I am being pointed out the report of medical examination of accused boys. In column No.11 of the report all of them admitted to have kept sexual relations with the victims due to love affair. The medical reports of the victims

indicate that there was no evidence of any force rather it was reported by them that due to love affair there was sexual relations.

15. I have gone through judgment of Co-ordinate Bench in *Sunil Mahadev Patil Vs. State of Maharashtra ; 2016 CRI.L.J. (NOC) 36 (BOM.)* as well as judgment of Supreme Court in the matter of *State of Uttar Pradesh Vs. Anurudh ; AIR OnLine 2024 ALL 1201*. Those are helpful to the applicants.

16. Considering the overall circumstances, I am inclined to grant bail. I, therefore, pass the following order :

ORDER

- (i) Bail Applications are allowed.
- (ii) Applicants **JAMILABAI NASARU PATHAN, AMOL ISHWAR SONAWANE, ROSHAN @ SHRAVAN DHANGAR BHIL and AJAY SUKLAL DEVDE** shall be released on bail in Crime No.380 of 2025 and Crime No.381 of 2025, respectively both registered with Bhadgaon Police Station, District Jalgaon, for the offences punishable under Sections 137(2), 64(1), 64(2)(i), 64(2)(m), 142, 143 of Bharatiya Nyaya Sanhita and Sections 4

and 6 of POCSO Act, on furnishing P. R. bond of Rs.25,000/- (Rupees twenty five thousands only) each with one solvent surety of like amount each on the following conditions :

- (a) The applicants shall not tamper with the prosecution evidence and contact the prosecution witnesses.
- (b) The applicants shall co-operate for expeditious disposal of the trial and attend the dates punctually.
- (iii) Bail application is disposed of accordingly.
- (iv) For the assistance rendered by learned counsel for respondent No.2, Legal Aid Services Authority shall quantify his fees of Rs.6,000/-, each.

(SHAILESH P. BRAHME, J.)

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vmk/-