



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

932 BAIL APPLICATION NO. 326 OF 2026

Baburao s/o Shivaji Gade,
Age 25 years, Occ. Agriculture,
R/o. Brahmgaon, Tq.Ashti, Dist.
Beed.

... **Applicants**

VERSUS.

1. The State of Maharashtra,
Through S.P. Jalgaon.
2. Police Inspector Pahur,
Pahur Police Station,
Tq. Jamner, Dist. Jalgaon.
3. XYZ

... **Respondents**

...
Advocate for Applicant : Mr. Thorat Nanabhau R.
Addl.PP for Respondent nos. 1& 2 : Mr. A.R. Kale
Advocate for Respondent No. 3 : Mr. Khutwad Manoj Ramdas
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 26.03.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No. 70/2025 registered with Pahur Police Station, Dist. Jalgaon for the offences punishable under Section 137(2), 64, 65(1), 351 of The Bharatiya Nyaya Sanhita (BNS), under Sections 3(1)(w)(i), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 4, 6, 8, 10,12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO).

3. Informant has lodged a report that his minor daughter had gone missing from 13.03.2025. It is alleged that she was being enticed and kidnapped. The applicant is arrested on 12.07.2025. Charge-sheet is filed on 19.08.2025.

4. It is the submission of the learned counsel for the applicant that the victim was major. There was marriage solemnized between the applicant and herself. It was agreed that the applicant's father would pay Rs. 2,00,000/- to the informant. She was residing with the applicant and after four months a false complaint has been lodged. It is submitted that the supplementary statement is concocted. First information report is lodged only against the applicant and not against any other relatives.

5. Mr. Kale, Addl. PP submits that agreement and the theory of payment is unconscionable. It is submitted that there is clinching evidence on record to show that a minor girl was being kidnapped by the applicant and a concocted theory is prepared for showing a marriage. It is further submitted that she is minor and the marriage cannot be said to be lawful. She is subjected to sexual exploitation, when she was in company with the applicant.

6. There is no clinching material on record to show that victim is minor. Except the statements of few of the witnesses, no endeavour has been made to determine her age.

7. It is submitted that the agreement and the extract of the bank statement are not part of the investigation. I find that the theory put up by the defence cannot be ruled out altogether. Considering the gravity of the offence and overall circumstances, I am inclined to allow the bail application.

8. Bail Application is allowed.

9. The applicant shall be released on bail in connection with crime No. 70/2025 registered with Pahur Police Station, Dist. Jalgaon for the offences punishable under Section 137(2), 64, 65(1), 351 of The Bharatiya Nyaya Sanhita (BNS), under Sections 3(1)(w)(i), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 4, 6, 8, 10,12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO), on following conditions:

(a) The applicant shall furnish P.R. bond of Rs. 25,000/- (Rs. Twenty Five Thousand only) with one solvent surety of like amount.

(b) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses in any manner.

10. Bail application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-