



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 471 OF 2026

Kishor Rangnth Kapse
Age 23 years, Occ. Agriculture,
R/o. Potul Tq. Gangapur Dist.
Chh.Sambhaji Nagar

... Applicant

VERSUS

The State of Maharashtra,
and another

... Respondent.

...
Advocate for Applicant : Mr. Sunil B. Surse
A.P.P for Respondent No. 1 : Mr. N. R. Dayma
Advocate for Respondent no.2 : Mr. J.S. Jain

...

CORAM : SHAILESH P BRAHME, J.

DATE : 30.03.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No. 478/2025 registered with Shillegaon Police Station, Dist. Chhatrapati Sambhajnagar for the offences punishable under Sections 115(2), 351(1), 352, 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023, under Section 9, 10, 11 of Child Marriage Act, and under Section 12,17,4,8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

3. It is reported to the police by respondent no, 2-informant, who is victim that her marriage was solemnized with applicant Kishor when she was minor. Against her will she was forcibly taken to the matrimonial home, when it was decided that she was to go there after completion of 18 years.

It is alleged that her husband forcibly kept sexual relations with her and her in laws were supporting him. She is alleged to have been harassed by the in laws. She was required to terminate her pregnancy also. She was driven out from the matrimonial home.

4. The applicant is arrested on 15.12.2025. The charge-sheet is filed on 24.01.2026. Respondent no. 2 has caused her appearance through lawyer. She has filed affidavit supporting the applicant. It is contended that they have settled the dispute amicably. The affidavit filed by respondent no. 2 is liable to be discarded because she is minor.

5. After hearing the parties for some time, learned counsel for the applicant and respondent no. 2 are unanimous that their clients have settled their dispute amicably and they want to cohabit. Learned counsel for the applicant, on instructions of his client was ready to exhibit his *bona fides* by investing an amount in the name of respondent no. 2. For that purpose time was sought and it was granted vide order dated 25.03.2026. Today a photo copy of fixed deposit receipt is tendered on record investing Rs. 1,00,000/- in the name of respondent no. 2. It is stated that the original receipt is tendered to respondent no. 2. Respondent no. 2 and her mother are present today. They confirmed the fact.

6. I have gone through first information report and the relevant record of investigation papers. Though it is stated that the marriage was solemnized against will of the informant, the couple is ready to cohabit. The applicant and other co-accused are ready to face the consequences of having committed the offence due to minority of the informant. But denial of bail is likely to aggravate the situation.

7. I have gone through Medico Legal Report of the informant. No use of force is noticed. Apparently, there is no material to suggest that she was subjected to forcible intercourse. Considering overall circumstances, I am of the considered view to grant bail to the applicant.

8. Bail Application is allowed.
9. The applicant shall be released on bail in connection with Crime No. 478/2025 registered with Shillegaon Police Station, Dist. Chhatrapati Sambhajinagar for the offences punishable under Sections 115 (2), 351(1), 352, 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023, under Section 9, 10, 11, of Child Marriage Act, and under Section 12,17,4,8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, on following conditions:
- (a) The applicant shall furnish PR. bond of Rs. 15,000/- (Rs. Fifteen 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.
 - (c) The applicant shall desist from causing any illtreatment or harassment to the informant or her mother or any of their relative in case parties cohabit together.
 - (d) It would be open for the applicant and the informant to resume cohabitation as is permissible in law.
 - (e) Any complaint at the instance of the informant or her mother in respect of any mischief, overt act in respect of amount deposited in the name of respondent no. 2 shall entail the ground for cancellation of bail.
 - (f) The applicant shall furnish his mobile/cell number and address to the investigating officer.
10. Bail application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-