



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

ANTICIPATORY BAIL APPLICATION NO. 69 OF 2026

NITIN JALINDAR PANHALKAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Shekade Shashikant E

Addl.PP for Respondents/State : Mr. A. S. Shinde

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CORAM : MEHROZ K. PATHAN, J.

DATE : 8th APRIL 2026

PER COURT :

1. Heard the learned Counsel Mr. Shekade for the Applicant and the learned APP Mr. Shinde for the Respondent/State.
2. The Applicant has approached this Court, seeking anticipatory bail application in connection with Crime No. 455/2025 registered with Ashti Police Station, District Beed for the offences punishable under Sections 64(2), 65(1), 78, 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The case of the prosecution is that the informant i.e. victim is aged 14 years. She lodged F.I.R. on 29.09.2025 alleging that, prior 2 months to the incident while she was walking to her home from her school one boy came on a motorcycle and was smiling at her. After about 15 days at about 9.00 a.m. while she was passing by

agricultural land of Satish Zagade she found that, same boy was standing there. He told her that, he likes her and proposed to marry her. The informant refused and asked him not to contact her in future. After 2 to 3 days at about 4.30 p.m. while she was returning home from her school, she found accused Pavan Sunil Pothare standing near the agricultural land of Satish Zagade. He asked her to make phone call to him and handed over a mobile phone to her. While she was talking with the accused on phone, a lady by name Radhika Pandu Pothare talked with her and told her to marry with accused after she completes the age of 18 years. On 25.09.2025 at about 9.00 a.m. when the informant went near the agricultural land of Satish Zagade, she found Pavan Pothare and Kamal Sole standing there. Pavan asked her to sit on his motorcycle. The informant refused and tried to go away. At that time Pavan and Kamal forcibly made her to sit on the motorcycle and took her to village Khadkat. When they reached at village Khadkat, Pavan forced her to sit in Ertiga car. Co-accused Pandurang Pothare, Ganesh Yadav and Sushant Satav were already in the car. Pandurang and Ganesh put knife on her throat and threatened to kill her, if she will shout. Thereafter Pavan took her to the house of his maternal uncle Nitin Panhaikar i.e. present applicant at Panvel. They stayed there. Pandurang and co- accused returned. While accused Pavan and informant were staying in the house of present applicant, accused Pavan had forcible physical relation with her. On the next day i.e. on 26.09.2025, the informant and accused Pavan went to Ahilyanagar. There again Pandurang and co-accused came with Ertiga car and

brought the accused Pavan and informant to Ashti at about 6.30 a.m. on 27.09.2025 and took her to the house of Subhash Pothare. Afterwards accused Pavan took her to the house of her maternal uncle at about 7.00 a.m. and left her there. He threatened to kill her, if she will disclose the incident to anyone. Thereafter informant/victim lodged FIR.

4. The learned Counsel for the Applicant submits that that the Applicant is falsely implicated in the present crime. Even if the allegations made in the FIR are taken to be true, the only role of the present Applicant discernible from the FIR is that the main accused, Pavan Pothre, allegedly used the house of the Applicant for committing the said crime of rape against the complainant, a minor victim aged 14 years. Apart from this allegation, there are no claims that the Applicant assisted the main accused Pavan in kidnapping the girl or committing sexual intercourse upon her. The main accused Pavan has already been released on regular bail after the complainant filed an affidavit, and the Public Prosecutor informed that PW-1 (prosecutrix) and PW-2 (mother) did not support the prosecution case. The order dated 16.03.2026 passed by the learned Additional Sessions Judge, Beed, in respect of the main accused Pavan, is placed on record and marked 'X' for identification. The complainant has also filed an affidavit before this Court in response to the notice issued, giving no objection to the release of the Applicant on bail. The learned Counsel submits that the Applicant is not having any criminal antecedents and is further ready to abide by

any conditions that may be imposed by this Court. Hence the Applicant may be released on anticipatory bail.

5. As against this, the learned APP strongly opposes the present application on the ground that the victim is a minor aged 14 years, who is alleged to have been raped by the main accused, Pavan, the present Applicant is the owner of the residential house at Panvel where the alleged rape was committed. The role of the Applicant for abetment is thus clearly made out. The allegations are serious in nature and is punishable with life imprisonment. The victim is a minor girl aged 14 years; hence, her consent is immaterial. Thus, there is ample evidence collected to establish the guilt of the present Applicant in the said crime. Hence, the Applicant may not be released on bail.

6. I have gone through the investigation papers made available by the learned APP and the charge-sheet filed against the main accused Pavan and others along with the present application. A perusal of the charge-sheet shows that the investigation is almost complete. However, the role of the present Applicant is limited, as can be seen from the FIR, which states that the main accused, Pavan, used the house of the Applicant to commit rape upon the minor victim girl. Except for this allegation, there is nothing on record to show that the Applicant committed any overt act in either kidnapping the girl or assisting the main accused in the commission or abetment of rape upon the minor victim girl.

. Be that as it may, these are prima facie observations made for the purpose of deciding the present application and the same may not influence the trial Court. The affidavit is filed by the complainant thereby stating that the matter is amicably resolved between the parties and she is having no objection to grant bail to the Applicant. The said affidavit may not be considered for deciding the application for bail in the serious offence of rape. However, taking into consideration the nature of allegations against the present Applicant, I am inclined to protect Applicant in exercise of powers under Section 482 of BNSS. Hence, the following order:

ORDER

(i) In the event of arrest of the Applicant - Nitin Jalindar Panhalkar in connection with Crime No. 455/2025 registered with Ashti Police Station, District Beed for the offences punishable under Sections 64(2), 65(1), 78, 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousands) with two solvent sureties in the like amount, on the following conditions :

(ii) The Applicant is directed to attend Ashti Police Station, District Beed on 15th, 16th, 22nd and 23rd April of 2026 between 11:00 am. to 01:00 pm. and thereafter as and when called by the Investigating Officer.

(iii) The Applicant is directed not to tamper with the evidence and shall not threaten the complainant or the witnesses.

- (iv) The Applicant shall attend the trial on each and every date unless so exempted by the trial Court on emergency conditions.
- (v) The Applicant shall submit his Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.
- (vi) A single violation of the aforesaid conditions, would entitle the prosecution to seek cancellation of bail of the Applicant on that ground.
- (vii) With the aforesaid directions, the application is disposed of.

MEHROZ K. PATHAN
JUDGE

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