



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

966 ANTICIPATORY BAIL APPLICATION NO. 563 OF 2026

Mahesh s/o Shivaji Hivarde,
Age; 25 years, Occ; Agriculture,
R/o; Varkhed, Tq. Gangapur,
District Chhatrapati Sambhajanagar.

...APPLICANT

VERSUS

The State of Maharashtra,
Through Waluj Police Station,
Tq. Gangapur, Dist. Chh. Sambhajanagar.

...RESPONDENT

...
Advocate for Applicant : Mr. G. K. Muneshwar
APP for Respondents/State : Mr. R.K. Ingole
...

CORAM : MEHROZ K. PATHAN, J.
DATE : 10.04.2026.

ORDER :-

1. Heard the learned counsel for the respective parties.
2. The applicant has approached this Court seeking anticipatory bail in connection with the Crime No. 160 of 2025, dated 24.05.2025, registered with Waluj Police Station, District Chhatrapati Sambhajanagar, for the offence punishable under Section 137 (2) and 96 of the Bhartiya Nyaya Sanhita, 2023 (for short "BNS") and Sections 12 and 17 of the Protection of Children From Sexual Offences Act (for short "the POCSO Act").
3. The case of the prosecution is that one Anil Ramesh

Shelke, resident of Dhamori, Tq. Gangapur, Dist. Chhatrapati Sambhajinagar, lodged a complaint with Waluj Police Station. It is alleged that the complainant resides with his wife Sangita, two daughters and one son. It is alleged that on 23.05.2025, after dinner at about 10.00 p.m., all family members went to sleep. At about 11.00 p.m., the elder daughter victim girl woke up to attend nature's call and returned after some time. However, at about 11.55 p.m., when the complainant woke up, he found that victim girl was missing from the house. The complainant searched for her in nearby fields and with relatives but could not locate her.

4. The daughter, victim girl is alleged to have left the house without any intimation on 24.05.2025 in between 11.00 p.m. and 11.55 p.m., and has not returned home thereafter. Therefore, the present complaint came to be lodged against unknown persons for the alleged offence of kidnapping U/Secs. 137(2) and 96 of the BNS and Sections 12 and 17 of the POCSO Act.

5. The learned counsel for the applicant submits that the applicant and the Complainant were acquainted with each other as the applicant was working in the field of the Complainant and also they are relatives of each other. The victim girl was aged 17 years at the time of her elopement with the applicant and after attending majority on 24.01.2026, the victim girl solemnized marriage with the applicant on 06.02.2026 and registered their marriage with

Competent Authority on 27.03.2026 and since then they are residing together as husband and wife. The applicant is having deep roots in the society. The applicant has no criminal antecedents and also no criminal history. The applicant is ready to abide conditions that may be imposed by this Court, hence the applicant may be protected.

6. As against this, the learned APP has strongly opposed the present application and submits that the daughter of the Complainant was minor at the time of her kidnapping. The consent of minor victim girl is not relevant. The offence under POCSO Act is invoked as the daughter of the Complainant was minor. There is every likelihood that if the applicant is released on bail, he may threaten the complainant and the relatives and may thereby cause prejudice to the prosecution case if the bail is granted, hence the application may be rejected.

7. I have gone through the investigation papers that are made available by the learned APP. The date of birth of the victim girl shows that the victim was born on 24.01.2008. The incident of kidnapping took place on 23.05.2025, when the girl was more than 17 years. The applicant is aged 25 years. There is marriage certificate produced on record issued by the Grampanchyat of Warkhed, Taluka Gangapur, District Chhatrapati Sambhajanagar. The said certificate shows that the applicant was married with daughter of the Complainant on 06.02.2026 and the marriage was

duly registered on 06.03.2026. There is nothing on record to show that the minor was forcefully taken away by the applicant for marriage. The Single Bench of this Court at Principal Seat at Bombay in **Sunil Mahadev Patil Vs. The State of Maharashtra, Bail Application No. 1036 of 2015, dated 03.08.2015**, was pleased to observe as under :

“In the present case, the prosecutrix is 15 years old and the accused is 20 years old. It appears from the record, statement of the prosecutrix and witnesses that they were in love with each other, so they eloped went to the temple. There they garlanded each other and according to them they performed marriage and thereafter they started residing together in the house of their relative. In between the prosecutrix called her distant aunt and requested her to make arrangement of some money and she disclosed that she is married and wants to stay with applicant/accused. In this case there are many mitigating factors. Under such circumstances, I am inclined to grant bail to the applicant/accused”.

8. Thus, taking into consideration that the Complainant had already married with the victim girl therefore, I am inclined to exercise discretion vested under Section 482 of the BNSS to protect the applicant. Hence the following order :

ORDER

(a) In the event of arrest of the Applicant – Mahesh Shivaji Hivrade, in connection with Crime No. 160 of 2025, registered with Waluj Police Station, District Chhatrapati Sambhajanagar, for the offences punishable under Sections 137(2), & 96 of the Bhartiya Nyaya Sanhita and Section 12 and 17 of the Protection of Women From Sexual Offences Act, 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 :

(i) The Applicant is directed to attend the Waluj Police Station on 18th, 20th, 22nd, 27th and 29th April, 2026, between 11:00 am. to 01:00 p.m. and co-operate with the Investigating Officer and thereafter present himself as and when called by the Investigating Officer till filing of the charge-sheet.

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

(iii) The Applicant shall attend the trial on each and every date unless so exempted by the trial on emergency conditions.

(iv) The Applicant shall submit his Aadhar Card and PAN Card to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

(v) A single violation of the aforesaid conditions, would entitle the prosecution to seek cancellation of bail of the Applicant on that ground.

(vi) With the aforesaid directions, the application is disposed of.

(MEHROZ K. PATHAN, J.)