



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 584 OF 2026

JAYESH DIGAMBAR SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Bhushan Mahajan

APP for Respondent-State : Mr. A. S Shinde

Advocate for Respondent No. 2 : Mrs. Ranjita Mahajan (Appointed)

CORAM : MEHROZ K. PATHAN, J.

Date : 20th April, 2026

ORDER :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR bearing Crime No. 898 of 2025 dated 10.12.2025, registered with MIDC Police Station, District Jalgaon, for the offences punishable under Sections 137(2), 63(d)(6) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The prosecution case is that the victim is the daughter of the informant. On 09.12.2025 approximately at 21:00 hours, the

victim went to the second floor of the residence to sleep alongside the informant's mother. When the informant's mother awoke at about 02:00 hours on 10.12.2025, she discovered that the victim, who had been sleeping next to her, was missing. The informant's mother immediately alerted the informant, prompting an urgent search of the premises. Despite their efforts, the victim could not be found, leading the informant to conclude that an unidentified individual had kidnapped her daughter. Consequently, the informant proceeded to the MIDC Police Station in Jalgaon to lodge a report regarding the incident.

4. The learned counsel for the applicant submits that the applicant was 22 years old and the victim was 17 years old at the time of the incident. It is contended that the victim accompanied the applicant of her own volition and was not subjected to any form of coercion or forceful abduction. Following the victim's return to the police station, her statement was recorded by the police authorities. A perusal of this statement indicates that the victim left with the applicant of her own free will and subsequently expressed a readiness to marry him. In support of these submissions, the learned counsel relies upon the judgment of the Hon'ble Bombay High Court in the case of **Sunil Mahadev Patil Vs. State of**

Maharashtra [2015(3) ABR (Cri.) 594]. The Court observed that when a prosecutrix is of a borderline age of consent and appears to be a consenting party to the elopement, such circumstances may serve as mitigating factors in the consideration of bail.

5. As against this, the learned APP and the learned counsel appointed to represent Respondent No. 2 strongly resist the application, contending that the applicant is involved in a crime of a serious nature. It is the prosecution's case that the applicant abducted and enticed a minor girl, removing her from the lawful guardianship of her parents. Since the victim is a minor, the plea of consensual sexual intercourse is untenable and cannot come to the rescue of the applicant.

6. It is further submitted that the allegations set forth in the FIR are further corroborated by the medical examination report, which confirms the commission of the offence. Consequently, charges under Sections 4 and 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, have been invoked. Considering that the applicant is charged with an offence punishable by life imprisonment, which may extend to the

remainder of his natural life, the prosecution submits that there is a high risk of the applicant absconding or influencing the minor victim if enlarged on bail. Accordingly, it is prayed that the application be rejected.

7. Upon a careful examination of the investigation papers and the statement of the victim girl recorded on 19.12.2025, it appears that her departure with the applicant was consensual. The victim voluntarily accompanied the applicant with the intent to marry, as evidenced by her stay in Shirdi until 19.12.2025. This narrative is further corroborated by her subsequent statement recorded under Section 183 of the BNSS, wherein she reiterated that she acted of her own free will.

8. While the victim's date of birth is established as 22.10.2008, placing her at approximately 17 years of age at the time of the alleged offence, the nature of her testimony suggests a relationship based on mutual consent rather than coercion. Furthermore, the medical examination conducted by the prosecution does not indicate any evidence of force or lack of consent that would extend the criminal culpability of the applicant beyond the statutory age threshold. Considering the victim's

consistent stance and the absence of forceful abduction, the primary elements of the prosecution's case regarding kidnapping and criminal intent appear significantly mitigated.

9. This Court in the case of **Sunil Mahadev Patil (supra)** has held 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 and 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 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 on the following terms and conditions..."

10. Taking into consideration the facts and circumstances of the case, including the age of the victim and the applicant, I am inclined to grant the request for relief. The record reflects that the victim accompanied the applicant of her own free will and both parties have expressed a mutual readiness to enter into marriage.

11. This consensual nature of the relationship, coupled with the victim's consistent statements, aligns with the principles

established in the relevant verdicts of the Hon'ble Supreme Court regarding borderline age of consent and elopement. Consequently, in light of the aforesaid reasons, I am inclined to allow the bail application of the applicant. Hence, the following order is passed :-

ORDER

- i. The Anticipatory Bail Application is allowed.
- ii. In the event of arrest of the Applicant – Jayesh Digambar Shinde, he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) **each** with one or two solvent sureties in the like amount each, in connection with FIR bearing Crime No. 898 of 2025 dated 10.12.2025, registered with MIDC Police Station, District Jalgaon, for the offences punishable under Sections 137(2), 63(d)(6) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 on the following conditions :-
 - A) The Applicant is directed to attend the concerned police station and report to the Investigating Officer on on 27.04.2026, 28.04.2026, 04.05.2026 and 05.05.2026 between 12:00 noon and 02:00 p.m. and thereafter, as and when, called by the Investigating Officer for the purpose of investigation.
 - B) The Applicant shall also cooperate with the investigation.
 - C) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution

evidence, in any manner.

- D) The applicant shall furnish copies of his Aadhaar Card and PAN Card to the Investigating Officer along with the addresses and mobile numbers of two nearest relatives.
- E) The applicant shall undergo the medical examination required for necessary and conclusion of the investigation.
- F) The applicant shall not enter into entire vicinity of village Dhangaon, Tq. Dist. Jalgaon till framing of the charge.

1. Needless to say, violation of any of the aforesaid conditions may entitle the prosecution to seek cancellation of the anticipatory bail granted hereinabove.
2. The observations made herein are prima facie and shall not influence the Trial Court while deciding the case on its own merits.
3. In view of the above, the Anticipatory Bail Application stands disposed of.
4. The High Court Legal Services Sub-Committee, Aurangabad, to pay the fees to the learned counsel appointed on behalf of respondent No. 2, as per rules.

(MEHROZ K. PATHAN, J.)