

S .S. Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 422 OF 2026**

Mahendra Brijesh Ahirwar	... Applicant
Versus	
State Of Maharashtra And Anr.	... Respondents

Mr. Vikrant Kadam a/w. Mr. Mayuresh Ingle, Mr. Vishal Padmal and Mr. Amar Gujar, Advocates for Applicant.

Smt. R.D. Humane, APP for Respondent-State.

Mr. J.S. Pansare, GPSI, Shikrapur Police Station, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th APRIL, 2026.

P.C. :

1. By this application, the Applicant is seeking regular bail in C.R.No. 360 of 2023 registered with Shikrapur Police Station, Pune, for the offences punishable under Section 363 and 376 of Indian Penal Code, 1860 (for short "IPC"), Sections 4, 8 and 12 of Protection of children from Sexual Offences Act, 2012 (for short "POCSO Act") and Section 9 of Child Marriage Prevention Act.

2. It is prosecution's case that the applicant kidnapped minor daughter of first informant and sexually assaulted her.

3. It is contention of learned counsel for the applicant that there was love affair between the applicant and victim. At the time of incident, victim was more than 15 years and 3 months old whereas applicant was 20

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years old. The victim herself had gone to the village of the applicant to meet him. The victim in her statement before the police admitted about the love affair with the applicant. The applicant is behind bars for two years and seven months. There is no progress in the trial. It may take time to conclude the trial. Hence, requested to allow the application.

4. It is contention of learned APP that the victim was below 18 years old so no question of her consent arises. If the applicant is released on bail, he may abscond or threaten prosecution witnesses. Hence, requested to reject the application.

5. I have heard both the learned counsel. Perused chargesheet and documents produced on record. At the time of incident victim was more than 15 years and 3 months old. In her statement before the police, she admitted that she had love affair with the applicant. The applicant is behind bars for more than two years. At the time of incident the applicant was 20 years old. It may take time to conclude the trial. Considering these facts, I pass following order.

ORDER

- i. The applicant be enlarged on bail in C.R.No. 360 of 2023 registered with Shikrapur Police Station, Pune, on executing P.R.Bond of Rs. 30,000/- on furnishing one or two sureties in the like amount.

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- ii. The applicant shall attend the concerned police station as and when required.
 - iii. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
6. The application is allowed in the aforesaid terms and is accordingly disposed of. All pending applications, if any, disposed of.
7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)