

MHST210002022026



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PHALTAN

Criminal Bail Application No.86 of 2026

Amol Mahadev Jadhav

.....Applicant

V/s.

State of Maharashtra

.....Respondent

Mr. A. D. Yadav, Advocate for applicant.

Mr. V. H. Katkar, Ld. Addl. P. P. for State.

**Coram: Mr. S. R. Tamboli,
I/c.The Addl. Sessions Judge, Phaltan**

:: ORDER BELOW EXH. 1 ::

01] In the present application, the applicant has prayed for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

02] The prosecution case, as per the FIR, in brief, is that the victim is a girl aged 17 years, 11 months, and 2 days. On 16.09.2024, Accused Nos. 6 and 7, who are the parents of the victim, forcefully arranged her engagement with Accused No. 1

at Jijai Mangal Karyalaya, Satara Road, Phaltan. The victim then called Police Helpline No. 112. After the arrival of the police, all concerned went to Phaltan Rural Police Station. After recording the statement of the victim, the police produced her before the Child Welfare Committee, Satara. The parents of the victim executed a bond stating that they would not solemnize her marriage until she attained majority. Thereafter, the police handed over custody of the victim to her parents. Subsequently, the victim and her parents went to village Kolki, Taluka Phaltan. At that time, Accused No. 1 was already present there with two unknown persons in his four-wheeler. Accused No. 1, along with Accused Nos. 6 and 7, forcibly took the victim to Datta Temple at village Gokhali, Taluka Phaltan, and solemnized her marriage in the presence of other accused persons, including the present applicant, who was already present there. Thereafter, they took darshan at Jejuri and returned to village Kolki. On the following day, Accused No. 1 dropped the victim at her mother's house. Thereafter, Accused No. 1, along with the victim and her parents, went to his farmhouse at village Bhigwan (Jinti Khanota) in his four-wheeler and wrongfully confined them in a room. The victim shouted for help, but no one came to their aid for five days. During this period, Accused No. 1 exerted force upon the victim; however, she ultimately escaped along with her parents. They then went to Baramati and stayed at village Pahunewadi in the house of a relative, and thereafter returned to Phaltan. After the engagement, Accused No. 1 repeatedly

stalked and touched the victim. He forcibly made a tattoo on her hand and threatened to upload their photographs on Instagram. Accused No. 7 also repeatedly ill-treated the victim. On 16.04.2026, when the victim was alone at home, Accused No. 1 committed house trespass, assaulted and abused the victim and her mother, threatened to kill her parents, and sexually harassed and assaulted the victim.

03] In the backdrop of these facts, Mr. A. D. Yadav, learned counsel for the applicant, submitted that the victim and her parents had cheated the applicant. The applicant was not aware of the caste of the victim. The victim and her parents had represented that they belonged to the same caste and religion as the applicant. The applicant has not played any role in the alleged sexual harassment of the victim. The name of the applicant is not mentioned in the FIR. The police are unnecessarily harassing the applicant, who is a respectable person. No offence punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. Therefore, the bar under Section 18A of the said Act is not attracted. The applicant has a permanent residence and is ready to abide by any conditions imposed by the Court. Hence, he prayed for grant of anticipatory bail.

04] Per contra, Mr. V. H. Katkar, learned Additional Public Prosecutor for the State, submitted that the case is serious and a prima facie offence is made out against the

applicant. It was further submitted that the applicant was aware that the victim belonged to the Matang caste. Accused No. 1 along with the present applicant and other co-accused, kidnapped the victim and arranged her child marriage. The applicant was a part of the conspiracy. The victim has specifically named the applicant in her statement recorded under Section 183 of the BNSS. The Investigating Officer has yet to seize the vehicles involved in the offence. Accused Sagar threatened to make the photographs viral on Instagram. The police have yet to seize the videos and photographs. The Investigating Officer is also required to trace the other co-accused. Hence, he prayed for rejection of the application.

05] The victim filed a say (Exh. 10) and opposed the application.

06] The FIR, prima facie, does not show that the applicant was aware of the caste of the victim. The prosecution has placed reliance on the statement of the victim recorded under Section 183 of the BNSS. However, the said statement has not been produced before this Court. Therefore, prima facie, it does not appear that the applicant was aware of the caste of the victim or that he was a part of the conspiracy to solemnize her marriage. Hence, no prima facie case is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

07] There are no allegations against the applicant that he played any role in kidnapping the victim for the purpose of sexual harassment. The allegations in that regard are specifically against co-accused Sagar. Therefore, no prima facie case is made out against the applicant. The vehicle can be seized even without arresting the applicant. Custodial interrogation of the applicant is not necessary. There is no justification for his arrest. The applicant has a permanent residence, and there is no material to indicate that he is likely to abscond. The apprehension regarding tampering with evidence can be adequately addressed by imposing stringent conditions.

08] In view of the above, I am inclined to allow the application and pass the following order:

ORDER

[1] The application is allowed.

[2] Anticipatory bail is granted to the applicant, Amol Mahadev Jadhav. In the event of his arrest in connection with Phaltan City Police Station C.R. No. 172 of 2026 for the offences punishable under Sections 137(2), 87, 96, 74, 78, 127(3), 115(2), 352, 333, 351(2), 351(3), 79, and 3(5) of the Bharatiya Nyaya Sanhita, 2023; Sections 9, 10, and 11 of the Prohibition of Child Marriage Act, 2006; Sections 12 and 17 of the Protection of Children from Sexual Offences Act, 2012; and Sections 3(1)(r), 3(1)(w)(ii), 3(2)(va), 3(2)(v), and 6 of the

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, he shall be released on bail upon furnishing a P.R. bond and one surety in the sum of Rs. 50,000/-.

(a) The applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case and shall not tamper with the prosecution evidence.

(b) The applicant shall attend the concerned Police Station as and when called by the Investigating Officer till completion of the investigation.

(c) The applicant and his surety shall furnish their residential addresses and mobile numbers to the Court and shall not change the same without prior intimation to the Court.

[3] This order be communicated to the concerned Police Station.

Place : Phaltan.

Date- 02/06/2026

(S. R. Tamboli)
I/c. Addl. Sessions Judge, Phaltan