



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

946 BAIL APPLICATION NO. 820 OF 2025

Navnath Munjaji Bhange

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Rathi Swapnil S.

APP for Respondents-State: Mr. S. K. Shirse

Advocate for Respondent No.2 : Mr. Girish S. Rane

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CORAM : ARUN R. PEDNEKER, J.

Dated : July 10, 2025.

PER COURT :-

1. Heard the learned Counsel for the applicant, the learned APP for the respondent-State, and the learned Counsel for respondent No.2.
2. The applicant is seeking bail as he was arrested in connection with FIR No.38/2025 dated 02/02/2025, registered with New Monha Police Station, Parbhani, District Parbhani, for the offences punishable under Sections 64(2) (i), 64(2)(m), 65(1), 351(2), and 351(3) of the *Bharatiya Nyaya Sanhita, 2023*, and under Sections 4 and 12 of the *Protection of Children from Sexual Offences Act, 2012*.
3. It appears from the FIR that the applicant maintained physical relations with the victim during the period from 22/08/2024 to 13/01/2025. The FIR was registered on 02/02/2025, and the applicant was arrested on 10/02/2025. At the relevant point of time, the applicant was 22 years old and the victim was 14 years old. However, the learned APP submits that the applicant's age is 24 years.

4. From the perusal of the FIR, it appears that the applicant had maintained physical relations with the victim on three different occasions. The FIR was lodged after the victim's mother came to know about the incidents. It is stated in the FIR that the first sexual act occurred when the applicant threatened to slit his wrist. The victim then accompanied him. On that occasion, the applicant allegedly took photographs of the victim, and later used those photographs to threaten her and continue the physical relationship.

5. The learned Counsel for the applicant submits that the applicant and the victim were in a love relationship and that the relations were consensual. However, he denies sexual intercourse with the victim. It is further submitted that the applicant is in custody for a considerable period and that his continued detention is not necessary.

6. The learned APP submits that although the mobile phone of the applicant has been recovered, no objectionable photographs were found therein. He, however, opposes the grant of bail, submitting that the complaint involves allegations under the *POCSO Act*, including sexual intercourse with a minor. The learned Counsel appearing for respondent No.2, i.e., the victim's mother, has no objection to the grant of bail.

7. *Prima facie*, it appears that the applicant and the victim may have been in a relationship. Whether the alleged relations were consensual or

otherwise is a matter that will have to be determined on the basis of evidence during trial. Even sexual intercourse at the instance of the applicant will have to be established during the trial. There is no objectionable material found on the applicant's mobile phone to substantiate the prosecution case. Considering the overall facts and circumstances, the applicant deserves to be released on bail.

8. In view of the above, the application is allowed in the following terms: -

- a] The applicant shall be released on bail in connection with FIR No.38/2025 dated 02/02/2025, registered with New Monha Police Station, Parbhani, District Parbhani, for the offences punishable under Sections 64(2)(i), 64(2)(m), 65(1), 351(2), and 351(3) of the *Bharatiya Nyaya Sanhita, 2023*, and Sections 4 and 12 of the *Protection of Children from Sexual Offences Act, 2012*, on furnishing a PR bond of ₹25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- b] The applicant, upon being released on bail, shall not contact the informant in any manner during the pendency of the trial.
- c] The applicant shall cooperate with the trial Court and attend each and every date, unless specifically exempted by the trial Court.
- d] The applicant shall not tamper with the evidence of the prosecution and shall not influence the informant, witnesses, or any other person concerned with the case.

e] The applicant shall place on record his contact number and residential address before the trial Court and shall inform the Court of any change thereof, if any.

9. Needless to say, in case of violation of any of the above conditions, the bail granted to the applicant shall be liable to be cancelled. It is clarified that the observations made in this order are confined to the decision of the present bail application. The trial Court shall proceed independently and uninfluenced by any of the observations made herein.

10. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.