



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.481 OF 2025

Pravin s/o Purushottam Borkar

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Ralegaon, District Yavatmal and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Kirti Deshpande (Muley) along with Mr. Alpesh D. Deshmukh Counsel
for the applicant.

Ms. S. S. Dhote, APP for non-applicant No.1/State.

Ms. Bhavya C. Dhruv, appointed Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 27/06/2025

1. The applicant came to be arrested on 25.10.2024 in connection with Crime No.433/2024 registered with Police Station Ralegaon, District Yavatmal for the offence punishable under Sections 64(1), 64(2)(m) and 65(1) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act.

2. The crime is registered on the basis of report lodged by the victim girl on an allegation that she got acquaintance with the present applicant and thereafter friendship was developed between them which resulted into the love affair. The applicant expressed her that he wants to marry with her. On the promise of marriage, he has subjected her for

forceful sexual assault, which resulted into pregnancy and she delivered a male child. On the basis of said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant, who submitted that as per the FIR, her age at the time of incident was 16 years. Out of a love affair, there was a physical relationship developed between them. Thus, it is not a case that out of lust, the applicant has subjected her for the forceful sexual assault. There was a friendship between the applicant and the victim, which resulted into a love affair and out of a love affair, they had a physical relationship. Now the investigation is completed, charge-sheet is filed and further incarceration of the present applicant is not required.

4. Learned APP and learned appointed Counsel for the non-applicant No.2 – victim strongly opposed the said application on the ground that at the time of incident, the victim was below 15 years of age. She was allegedly 14 years of age, therefore, her consent is not relevant. The applicant has subjected her for the forceful sexual assault on the promise of marriage and therefore, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals that admittedly, at

the time of incident, the victim was below 18 years of age, her consent is not relevant, but the circumstances under which the alleged incident has taken place is required to be taken into consideration. The statement of the victim shows that there was love affair between her and the present applicant. Out of a love affair, the physical relationship was developed between them. Thus, it is not a case that out of lust, she was subjected for the forceful sexual assault. Considering now the investigation is already completed, charge-sheet is already filed and further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Pravin s/o Purushottam Borkar** shall be released on bail, in connection with Crime No.433/2024 registered with Police Station Ralegaon, District Yavatmal for the offence punishable under Sections 64(1), 64(2)(m) and 65(1) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not enter into the vicinity of village Jalka, Tq, Ralegaon, District Yavatmal, till the culmination of trial.

(iv) The applicant shall attend the proceeding before the Special Court without seeking any exemption unless there exceptional circumstances.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either physically or through electronic media.

6. Fees of the appointed Counsel be quantified as per rules.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)