



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

CRIMINAL APPLICATION (BA) NO. 495 OF 2025

Aditya s/o Anursingh Pawar

Vs.

State of Maharashtra, through Police Station Officer, Telegaon (SP)
District Wardha and another

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

Court's or Judge's orders

Mr. M. V. Rai, Counsel for the applicant.

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

Mr. A. J. Dhoble, Counsel for the non-applicant No.2/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 27/06/2025

1. The applicant is arrested on 01.01.2025 in connection with Crime No.1/2025 registered with Police Station Telegaon (SP), District Wardha for the offence punishable under Sections 64(2)(i), 64(2)(m), 65(1), 69, 137(2), 89, 238 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 6 and 10 of the Protection of Children from Sexual Offences Act.

2. The crime is registered on the basis of report lodged by the victim girl aged about 15 years and 7 months on an allegation that she got acquaintance with the present applicant and love affair was developed between them and out that love affair, the present applicant has subjected her for the forceful sexual assault on the promise of marriage.

On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant, who submitted that out of a love affair, the physical relationship was developed between them. Now the investigation is already completed, charge-sheet is filed and further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the said application on the ground that considering the victim is below 18 years of age, her consent is not relevant. In view of that, the application deserves to be rejected.

5. Learned Counsel for the non-applicant No.2 - victim stated that the non-applicant No.-2 victim has no objection to release the present applicant on bail.

6. On hearing both sides and on perusal of the investigation papers, it reveals that the applicant and victim both were in love affair and out of a love affair, the physical relationship was developed between them. Admittedly, the consent of the victim is not relevant, however, considering the fact that now the investigation is already completed, charge-sheet is filed, further incarceration of the present applicant is not required and therefore, the

application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Aditya s/o Anursingh Pawar** shall be released on bail in connection with Crime No.1/2025 registered with Police Station Telegaon (SP), District Wardha for the offence punishable under Sections 64(2)(i), 64(2)(m), 65(1), 69, 137(2), 89 and 238 of the Bharatiya Nyaya Sanhita, 2023 and under Section 4, 6 and 10 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 induce, threat or promise any witnesses who are acquainted with the facts of the case either physically or electronic media.
- (iv) The applicant shall attend the proceeding before the Special Court without seeking any exemption unless there are exceptional circumstances.
- (v) The applicant shall not enter into the vicinity of village Devwadi, Taluka Karanja, District Wardha, till the culmination of trial.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)