



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.769 OF 2025
(Vaibhav Atmaram Ingle vs. State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.V. Karnavat, Advocate for the applicant.
Shri H.N. Prabhu, APP for the non-applicant/State.
Shri Nikhil D. Dawda, Advocate (appointed) for non-applicant no.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 11, 2025.

The applicant came to be arrested on 01.08.2024 in connection with Crime No.437/2024 registered with Police Station Shegaon, District Buldhana for the offences punishable under Sections 137(2), 64(2) of the Bharatiya Nyaya Sanhita read with Sections 4, 6, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012.

2. Initially, the crime was registered on the basis of report lodged by the father on an allegation that on 05.07.2024 he received a phone call of his mother-in-law who disclosed that the victim has left the house without informing anybody. On the basis of the said report, police have registered the crime against the unknown persons initially under Section 137(2) of the BNS. During investigation, the victim was found along with the present applicant. Her statement was recorded from which it reveals that there was a love relationship between the

present applicant and the victim and they decided to perform the marriage, and therefore, she eloped with him. On the basis of the said statement, the offence is registered under Section 4 and 6 of the POCSO Act and under Section 64 of the BNS.

3. Learned Counsel for the applicant submitted that the statement of the victim itself shows that out of love affair she joined the company of the present applicant. There was no inducement or any force used by the present applicant. The applicant is also aged about 24 years old. Thus, the physical relationship was developed between them out of love relationship. Now, investigation is already completed and charge-sheet is also filed, further incarceration of the applicant is not required and hence, the applicant be released on bail.

4. Learned APP and learned Counsel for the victim strongly opposed the application on the ground that the victim was 14 years of age when first incident has occurred. Her consent is not relevant. In view of that, the application deserves to be rejected.

5. On hearing learned Counsel for both the sides and on perusal of the investigation papers it reveals from the statement of the victim that out of love affair, she went along with the present applicant, physical relationship was developed between them and she was pregnant. However, the pregnancy was aborted. Considering the statement of

the victim and considering the fact that now investigation is completed and charge-sheet is filed, the application deserves to be allowed. Accordingly, I proceed to pass following order:

- (i) The application is allowed.
- (ii) The applicant – Vaibhav Atmaram Ingle in connection with Crime No.437/2024 registered with Police Station Shegaon District Buldhana for the offences punishable under Section 137(2), 64(2) of the Bhartiya Nyaya Sanhita read with Section 4, 6, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 be released on bail, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned police station as and when required for the investigation purpose, on issuing notice in advance of 3 days and shall cooperate with the investigating agency.
- (iv) The applicant shall attend the proceedings before the Trial Court without seeking any exemption unless there are exceptional circumstances.

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

(vi) The applicant shall not enter into the vicinity of village Dongargaon, till the culmination of the trial.

(vii) The contravention of any of the condition would lead to the cancellation of bail.

6. The application stands disposed of.

7. Fees of the appointed Counsel be quantified as per Rules.

(URMILA JOSHI-PHALKE, J.)

**Divya*