



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

CRIMINAL APPLICATION(BA) NO. 901 OF 2025

Arvind Arun Pawar Vs. State of Maharashtra and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.M.P. Karia counsel with Ms. Parita Lakhani, counsel for the
applicant.

Mr.A.J.Gohokar, APP for the State.

Ms.Astha Sharma, counsel for non applicant no.2 (appointed)

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 15/10/2025

1) The applicant is arrested in Crime No.104 of 2025 registered with Police Station Dongaon district Buldhana for the offence punishable under Sections 64, 65(1),74, 75, 76 of Bharatiya Nyaya Sanhita r/w Section 4, 8 and 12 of the Protection of Children from Sexual Offence Act, 2012.

2) It is alleged that the applicant is the relative of complainant/victim. They are from Pardhi Community. Prior to three years of the incident, the applicant proposed the victim and he told her that he liked her and wants to marry with her and had forcible sexual relations with her, when nobody was in the house. He had repeatedly sexual relations with her by giving threats to kill her parents. Therefore, she

did not disclose it to anybody. The learned counsel for the applicant has stated that both the parties are from Pardhi community. There is no birth proof of both of them. The applicant is relative of the neighbour of her sister and it was arrange marriage. The marriage was performed. Thereafter, there was dispute and the victim has taken advantage of not disclosing her age and made allegations about sexual intercourse by the applicant. The fact is that she is married and after the marriage they had sexual relations. The applicant has given photographs of marriage of the victim and the applicant. There is counter First Information Report. When the meeting was called in the police station, the scuffle took place between the two families and the cousin of the applicant has lodged the complaint against the family members of the victim. As the relations were after marriage and applicant is ready to stay with the victim as he is her husband. No offence is made out under the said act, prayed to release the applicant on bail.

3) The learned APP opposed the application and stated that the victim is a minor. The Child Marriage Act is attracted if the marriage is caused. Nothing is there on record to show that the marriage was performed. The girl is 14 years of age. Medical report supports the prosecution case about sexual relations. Hence, prayed to reject the application.

4) The learned counsel for the victim has stated that the victim has denied the marriage and even photographs produced across the bar. The allegations are supported by the medical evidence. Hence, prayed to reject the application.

5) Heard the learned counsel for the applicant, learned APP for the State and the learned counsel appearing for the victim.

6) The photographs are taken on record and marked as Exhibit 'X' for identification. From the photographs, it appears that the marriage took place between both of them. They are from Pardhi Community. There is no birth proof to show that it was a child marriage and whether the offense under the Prevention of Children From Sexual Offences Act, is committed. The defence of the applicant is that he had relations with victim after marriage, the medical report also shows that there is sexual intercourse. Considering the photographs filed on record, and for the other incident, counter FIR is also lodged by the cousin of the applicant, the case is made out to release the applicant on bail.

7) Accordingly, I pass the following order:

i) Criminal application is allowed.

ii) Applicant- Arvind Arjun Pawar be released on bail in Crime No.104 of 2025 registered with police Station Dongaon district Buldhana for the offence punishable under Section 64, 65(1),74, 75, 76 of Bharatiya Nyaya Sanhita r/w Sections 4, 8 and 12 of the Protection of Children from Sexual Offence Act,2012 on his furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.

iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall co-operate the investigation officer.

vi] The applicant shall not enter into the village Shahapur, Tq. Mehkar, district Buldhana.

8. The Criminal Application stands **disposed of** accordingly.

9. Pending application/s, if any, is/are stand/s disposed of.

10. Fees of the appointed counsel be paid as per rules.

JUDGE