



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

CRIMINAL APPLICATION(BA) NO. 906 OF 2025

Aniket Kisan Sahare 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.R.V. Navlani, counsel for the applicant.

Mr. Anant Ghogare, APP for the State.

Mr.Rutwik Bhalerao appointed counsel for non-applicant No.2.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 22/09/2025

1. Heard.

2. By this application, applicant has prayed for regular bail in Crime bearing No.523 of 2025 registered at Gadge Nagar Police Station, District Amravati City, for the offences punishable under Sections 64(2)(i), 64(1),65 and 75(2) of the Bharatiya Nyaya Sanhita, 2023 and for the offences punishable under Sections 3,4,11 and 12 of the Prevention of Children from Sexual offences Act,2012.

3. The allegations made against this applicant are that he asked the victim for sexual relations, when his friend introduced him the victim, who is of 17 years of age. The victim has given the statement that her friend Preshik has introduced this applicant and he demanded sexual

relations for which the applicant has refused. Thereafter, they used to talk on mobile and thereafter, once he took her on his motor cycle to his house and thereafter, he had sexual relations with her. After three months, she came to know about her pregnancy and thereafter she called him. At that time she came to know that the applicant has blocked her mobile number and therefore, she was unable to contact him. Thereafter, after four months she has informed her mother about her pregnancy and the crime came to be registered against this applicant.

4. The learned counsel appearing for the applicant has stated that the applicant had consensual relations with the victim and he has not given any promise to her of marriage.

5. The learned counsel appearing for the applicant has relied upon the order of this Court passed in **Bail Application No.1036 of 2015 dated 3/08/2015**, wherein this court in paragraph Nos.9,10 and 11 has observed as under:-

9. “In view of the increasing offences against the women especially of rape, the legislature and judiciary both found it obligatory to deal these offences with severe punishment and women can be protected if the laws are made rigorous. Therefore, report of Justice Verma Committee was accepted and necessary and significant amendments were made in these two sections. A wrong doer is to be punished, guilty is to be convicted. However, at the stage of bail, the Court has to consider

prima facie under what circumstances the offence is committed by the accused. In the Criminal law, the Court cannot ignore the intention or motive behind the act and that is an important factor in the commission of offence so also to decide the quantum of sentence at the end of trial, so in the case of bail.

10. The offence of rape can be distinguished on the basis of the intention of the accused. There are incidents of rapes committed by gang like the case of Nirbhaya or Maya Thagi or Mathura which cannot be forgotten by Indian Society. So also rape committed in a savage manner or repeatedly by a single accused. There are some instances of rape which take place as a man wants to satisfy his lust and animal within him overpowers his reason. There are instances of rape where a man and a woman both are in love with each other and get involved into sexual relationship due to either physical or psychological need and in such type of rape, there is no violence which exists in other types of rape.

11. Today teenagers are exposed to more sex related issues and lot of material is also available to them to know the sexual relationship between a man and a woman. Because of their impressionable age, girls and boys both may tend to get provoked and there can be a curious and very compelling demand of the body to get into such kind of relationship. Sexual urge differs from person to person and there cannot be any mathematical formula in respect of sexual behavioral pattern of teenagers, as biologically whenever the child turns into puberty, the child starts understanding his or her sexual needs. The nature of response depends on the upbringing, peer pressure, how civilized the environment is etc. Sex requires proper physical and emotional

preparation, as it results in many physical and emotional consequences. This is all considered as a sexual maturation. Therefore, some sects with view to regularize sexual behaviour of the community have acknowledged this biological factor and therefore, the early age marriages are performed in some religions or communities. Taking into consideration this social and biological factors, The law makers have considered the age of 15 as a age of consent when the marriage is performed. Taking into consideration this background, the trial Judge has to pass an order of bail in such cases.

6. As it was not forcible relations and she has not informed it till date of her advanced pregnancy, it creates doubt about forcible relations. The applicant is in jail since July. Hence, prayed to release him on bail.

7. The learned counsel appearing for the victim has opposed the application stating that the victim is of 17 years of age. She has stated about the forcible relations with him. The intention of the applicant was to take advantage and have physical relations with her. He had blocked her and theretofore, the offence came to be registered. Considering the act of the applicant, prayed to reject the application.

8. The learned APP opposed the application stating that the applicant has delivered baby . DNA report is awaited. The victim is minor. Considering the allegations

made against the applicant, prayed to reject the application.

9. Heard the learned counsel appearing for the applicant, learned APP and the learned counsel appearing for the non applicant No.2.

10. It appears from the First Information Report that this is not a case of love relations. After introducing the victim with the applicant, he directly asked her for sexual relations, initially she refused for it. Though, she came to know about his intention, she continued to talk with him on mobile and knowingly, she went with him at his home and had sexual relations. For three months she has not done anything. When she became pregnant, she tried to contact him and she came to know that he blocked her. The story itself shows that it is the case of consensual relations. The applicant demanded and she fulfilled the demand and only after when she came to know about her pregnancy, she tried to contact with him. Considering the observations made by this court in bail application No. 1036 of 2015, the case is made out to release the applicant on bail.

11. Accordingly, I pass the following order:

i) Criminal application is allowed.

ii) Applicant- Aniket Kisan Sahare be released on bail in connection with Crime bearing No.523 of 2025 registered at Gadge Nagar Police Station, District Amravati City, for the offences punishable under Sections 64(2) (i), 64(1),65 and 75(2) of the Bharatiya Nyaya Sanhita, 2023 and for the offences punishable under Sections 3,4,11 and 12 of the Prevention of Children from Sexual offences 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.

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

JUDGE