



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

CRIMINAL APPLICATION(BA) NO. 966 OF 2025

Vinay Devidas Shishte Vs. State of Maharashtra

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

Court's or Judge's Orders.

Mr. P.R.Agrawal, counsel for the applicant.
Mr. Ashish Kadukar, APP for the State.
Ms. Radha Mishra appointed counsel for the victim.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 07/11/2025

1) The applicant is arrested in connection with Crime No.263/2025, Dated 13/05/2025 Registered With Police Station, Morshi, Dist. Amravati, for the offence punishable under Sections 64(2)(m) of Bharatiya Nyaya Sanhita, 2023 along with section 4 & 6 of Protection of Children from Sexual Offences Act, 2012.

2) The mother of the victim has lodged the complaint stating that she took her daughter to the hospital as she was having abdominal pain and it was revealed that she is pregnant and thereafter, the hospital informed the police. The victim has stated in her statement that she was having love affair with the applicant and they had physical relations

for twice and thereafter, she become pregnant. The fetus was aborted with consent and as it was informed by the hospital, mother has lodged the complaint. The crime is registered.

3) It is urged that the victim is of 16 years and 9 months old. There is no authenticated proof of her birth. She has not stated that it was forcible sexual relations. Out of love affair they had relations and as she went to the hospital the offence is registered. She has given no objection before the Sessions Court to release the applicant on bail. The Sessions Court has rejected the application as the offence under the Protection of Children from Sexual Offences Act, is registered. As the applicant is still ready to marry with the victim, she is now 17 years of age. After attaining her majority he is ready to marry with her hence prayed to release him on bail.

4) Learned APP has opposed the application stating that the offence is under the POCSO Act and she is minor. The consent is immaterial. Hence, prayed to reject the application.

5) Heard the learned counsel for the Victim. On perusal of the statement of the victim, it appears that she has stated about their love affair and out of said love affair, they had sexual relations. She has not stated about forcible sexual intercourse. She is at the verge of majority. She knows the consequences of keeping sexual relations. As it was not

forcible relations, the applicant deserves to be released on bail. Hence, the following order.

- i) Criminal application is allowed.
- ii) Applicant- Vinay Devidas Shishte be released on bail in connection with Crime No.263/2025, Dated 13/05/2025 Registered With Police Station, Morshi, Dist. Amravati, for the offence punishable under Sections 64(2) (m) of Bharatiya Nyaya Sanhita, 2023 along with section 4 & 6 of Protection 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.

6. The Criminal Application stands **disposed of** accordingly.
7. Pending application/s if any, is/are stand/s disposed of.
8. Fees of the appointed counsel be paid as per rules.

JUDGE