



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

CRIMINAL APPLICATION (BA) NO. 1095/2025

Devdatt s/o. Satish Hejib Vs. State of Maharashtra and Anr.

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

Court's or Judge's orders

Mr. A. C. Jaltare, Advocate for the Applicant.
Ms M. A. Barabde, A.P.P. for the Non-applicant/State.
Ms. A. S. Mishrikotkar, Advocate (Appointed) for Non-applicant
No.2.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 08/12/2025.

. Heard.

2. The applicant is arrested in Crime No.39/2025 registered with Police Station Pathri, Tahsil Bramhapuri, District Chandrapur for the offences punishable under Sections 64(1), 64(2)(m), 65(1), 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

3. The age of the victim in this case is 12 years and 9 months. It is alleged that the applicant would stalk her. The applicant used to make phone call to the victim and had expressed his love for the victim. On the pretext of love the applicant started roaming with the victim and took the victim on his motorbike on 08.03.2025 and in the jungle he established sexual relation with her. The second episode is dated 15.03.2025. On 17.04.2025 as the victim was not well and when her medical checkup was done, her pregnancy was revealed. Thereafter, she has disclosed the relationship with the applicant and the complaint has been lodged.

4. The learned Counsel for the applicant has stated that in the First Information Report she has mentioned specific dates of her relations with the applicant i.e. 08.03.2025 and 15.03.2025 and she was pregnant for 7 weeks, which does not match with the period of pregnancy. The D.N.A. report is also inconclusive. In the medical report of the victim, she has given her last menstruation period as 28.03.2025, which does not match with her pregnancy. Therefore, medical report is not supporting to the prosecution case. Though she was pregnant and as D.N.A. test is inconclusive and surprisingly the D.N.A. report is of two females, the D.N.A. report creates doubt, hence, prayed to release the applicant on bail.

5. The learned A.P.P. has opposed the application stating that the victim is minor child. She was pregnant and she has specifically mentioned the dates of her relations with the applicant. Considering her age and the act done by the applicant, prayed to reject the application.

6. The learned Counsel for the non-applicant No.2 has also objected to release the applicant on bail stating that considering the minor age of the victim and as she was pregnant, prayed to reject the application.

7. Heard the learned Counsel for the respective parties.

8. The victim aged 12 years and 9 months was pregnant of 7 weeks. On perusal of the medical report, it appears that her last menstruation period, which she has stated in her medical examination is not supporting. She has given specific dates of her physical relations with the applicant i.e. 08.03.2025 and 15.03.2025 and she was

pregnant on 18.04.2025 for seven weeks, which is not possible. Hence, considering the inconclusive report of the D.N.A., the applicant, who is 19 years of age is released on bail. Accordingly, I pass following order:

- i] The criminal application is allowed.
- ii] The applicant shall be released on bail in connection with Crime No.39/2025 registered with Police Station Pathri, Tahsil Bramhapuri, District Chandrapur for the offences punishable under Sections 64(1), 64(2)(m), 65(1), 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. Bond of Rs.25,000/- with one solvent 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 attend the concerned police station on every Monday and Saturday between 1:00 p.m. to 2:00 p.m..
- vi] The applicant shall not enter into the vicinity of the village Akapur, Tahsil Saoli, District Chandrapur and shall not contact the victim in any manner.

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

The Criminal application is disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.)