



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

CRIMINAL APPLICATION (BA) NO. 1178/2025

Sarang Shankarrao Ghagare

Vs.

The 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 order

.....
Mr. A. S. Deshpande, Advocate for Applicant.
Mr. N. R. Rode A.P.P. for Non-applicant/State.
Mr. R. P. Durge, Advocate (Appointed) for Non-applicant No.2.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 15.12.2025

1. Since the earlier Counsel appointed for the non-applicant No.2 is not present, Mr. R. P. Durge, learned Counsel is appointed from the Panel of the Legal Aid on behalf of the non-applicant No.2-victim.

2. Heard.

3. The applicant is arrested in Crime No.507/2025 for the offences punishable under Sections 64(2)(m), 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

4. It is alleged that the victim, who is 16 years and few months of age was travelling from Karanja to Hetikundi. The applicant got acquainted with her in Bus Stand. They exchanged their mobile numbers and started chatting. After eight to ten days, the applicant asked her to come with him and as she went there, he had sexual relations once at Kondhali. Thereafter, he called her again, took her to Kondhali and he had sexual relations again. Thereafter, she

missed her menstrual period and came to know that she is pregnant, then informed about it to her mother. Thereafter, the complaint was lodged and the crime has been registered.

5. The learned Counsel for the applicant has stated that the victim is at the verge of majority. She was having love affair with the applicant. It is out of love affair. As she was pregnant, she has narrated the story that, under pressure she had sexual relations with him.

6. The learned A.P.P. opposed the application stating that the applicant is a minor. The consent is immaterial. In the First Information Report she has stated about forcible intercourse. Hence, prayed to reject the application.

7. Mr. R. P. Durge, learned Counsel for the non-applicant No.2 argued that from the First Information Report, it does not reflect that they were having love affair. It is a case of friendship. They were having friendship. In statement under Section 164 of the Code of Criminal Procedure, the victim has stated that one tablet was given to her and the applicant had relations by giving threat. Considering her statement, prayed to reject the application.

8. Heard the learned Counsel for the respective parties.

9. After going through the First Information Report and statement of the victim, it appears that there is discrepancy in the places mentioned by the victim in the First Information Report and in her statement. Though she has stated that after giving threats, the applicant took her to said places and had sexual relations, she was having affair.

She was in contact with the applicant on mobile. Whenever he called, she went with him. After break- up, she came to know that she is pregnant, she lodged complaint.

10. Considering the age of the victim that she was at the verge of majority and it is out of love affair, the case is made out to release the applicant on bail. Accordingly, I proceed to pass the following order :

i] The criminal application is allowed.

ii] The applicant shall be released on bail in connection with Crime No.507/2025 for the offences punishable under Sections 64(2)(m), 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 co-operate the investigation officer.

The Criminal application is disposed of accordingly.

Fees of the appointed Counsel for the non-applicant No.2 be quantified as per Rules.

(MRS.VRUSHALI V. JOSHI, J.)