



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

CRIMINAL APPLICATION (BA) NO. 1221/2025

Mohammad Tahib Mohammad Mehbub 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. V. N. Morande, Advocate for the Applicant.
Mr. A. Ghogare A.P.P. for the Non-applicant/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 04/11/2025.

- . Heard.
2. Issue notice to the non-applicants.
3. Learned A.P.P. waives service of notice for non-applicant/State.
4. The victim is also personally present along with her child and waives notice.
5. The applicant is arrested in Crime No.122/2025 for the offences punishable under Sections 137(2), 64(2)(i), 64(2)(m) of Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
6. The learned Counsel for the applicant has stated that the First Information Report has been registered on the statement recorded by the police after receiving the information from Asha Worker that the minor girl is pregnant and, thereafter, on the instructions received from the Health Department, the victim was called and her statement was recorded. He further stated that the contents in the statement are put in her mouth. She has not stated so. She has given her statement to the Magistrate and stated that they were having love affair.

She ran away with the applicant to Delhi. Thereafter both of them went to Police Station and the police took them. Again the applicant came in contact with the victim and they ran away to Hyderabad. There, they performed marriage. She became pregnant and, thereafter, on the basis of the information given by the Asha Worker, the applicant was arrested.

7. The learned A.P.P. opposed the application stating that the victim was minor at that time. The applicant took the victim and had sexual relations with her. The offence under the provisions of the Protection of Children from Sexual Offences Act, 2012 is also registered. The victim has delivered a baby. Hence, requested to reject the application.

8. Heard both the learned Counsel for the respective parties.

9. The victim is present before the Court along with her child. She has stated that both of them were having love affair and they were staying together after performing marriage. Though she is minor, she is at the verge of majority. The applicant is also 20 years of age. The applicant has relied on the judgment of this Court in the case of *Ashik Ramjan Ansari Vs. The State of Maharashtra and Anr. (Criminal Appeal No.1184/2019)*, wherein this Court has acquitted the accused where the victim and the accused were having love affair and the victim is minor.

10. As the victim has delivered a child, the applicant is ready to take responsibility of the child and they are staying together happily. Hence, a 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.122/2025 for the offences punishable under Sections 137(2), 64(2)(i), 64(2)(m) of 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.

Hamdast is grated.

(MRS. VRUSHALI V. JOSHI, J.)