



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

CRIMINAL APPLICATION(BA) NO. 1210 OF 2025

Abhay Prabhakar Mahale 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.S.V.Sirpurkar, counsel for the applicant.
Mr.C.A.Lokhande,APP for the State.
Ms.Manjiri Thatthe, counsel for the non applicant No.2.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 16/12/2025

1. The applicant is arrested in Connection with Crime No.226 of 2025, registered with Police Station Shivaji Nagar, District Buldhana for the offence punishable under Sections 64(1),65(1) of the Bharatiya Nyaya Sanhita and for the offence punishable under Sections 3 and 4(2) of the Protection of Children from Sexual offences Act, 2012.

2. It is alleged that the applicant had forcible sexual relations with the victim, who is 15 years of age. When there was no body in the house of the victim, the applicant who was having acquaintance with her, committed forcible sexual relations. Her brother came there and thereafter, she lodged the complaint against this applicant.

3. The learned counsel for the applicant has stated that the applicant and the victim were having love affair as the brother came and he found both of them in the house, the complaint came to be registered. The medical history shows that the victim called him on that day and they had sexual relations. It is not the case of rape, it is out of love affair. The applicant has filed on record what's-app chat which shows that they were having love affair and out of love affair they had sexual relations. The applicant is also 19 years of age. Considering the age, prayed to release him on bail.

4. Learned APP has opposed the application stating that the applicant had lodged Non Cognizable offence against the brother of the victim. The victim is minor. The consent is immaterial. Hence, prayed to reject the application.

5. The learned counsel for the non applicant No.2 has opposed the application stating that the victim is minor, she has given the complaint and has stated about forcible sexual relations by this applicant. Hence, prayed to reject the application.

6. Heard both the sides and perused the record.

7. It appears from the record that she has stated that the applicant had forcible sexual relations, when there was no body in the house. From the medical report, it shows that she herself called him, when there was no body in her house. It is out of love affair. Considering the age of the accused,

who is 19 years of age, the case is made out to release the applicant on bail. Hence, the following order

i) Criminal application is allowed.

ii) Applicant- Abhay Prabhakar Mahale be released on bail in connection with Crime No.226 of 2025, registered with Police Station Shivaji Nagar, District Buldhana for the offence punishable under Sections 64(1), 65(1) of the Bharatiya Nyaya Sanhita and for the offence punishable under Sections 3 and 4(2) of the 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.

vi] The applicant shall not enter into the village, where the victim is residing till the conclusion of the trial.

8. The Criminal Application stands disposed of accordingly.

9. Pending application/s if any, is/are stand/s disposed of.

JUDGE