



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

CRIMINAL APPLICATION (BA) NO. 1243/2025

Bittu @ Saurav s/o. Uttam Dey Vs. The 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. R. M. Tahaliyani, Advocate for the Applicant.
Mr. U. Phasatte, A.P.P. for the Non-applicant/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 10/12/2025.

. Heard.

2. The applicant is arrested in Crime No.219/2025 registered with Police Station Ramnagar, District Chandrapur for the offences punishable under Sections 64(1), 64(2), 65(1) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. It is the case of the prosecution that mother of victim came to know about the sexual assault on her minor daughter when she was eight and half months pregnant. She took her to Doctor and in Sonography, she came to know about her pregnancy and thereafter, the victim disclosed that she had relations with the applicant. On his birthday, he had sexual relations with her.

4. The learned Counsel for the applicant has stated that the applicant is 23 years of age. He is ready to marry with the girl. She has delivered a baby.

5. Learned A.P.P. has stated that, the victim was 15 years of the age. Her consent is immaterial. She has delivered a baby and handed over it to NGO for adoption. The victim is not ready to marry with the applicant. As the applicant has committed the offence, prayed to reject the

application.

6. Heard the learned Counsel for the applicant and the learned A.P.P. for the State.

7. It appears that at the age of 15 years, the victim was pregnant. It was not disclosed till eight and half months. Whatever story narrated by the mother of the victim that she was under impression that the victim was having some gas problem, cannot be believed. The victim has not disclosed her pregnancy and the mother has also not taken any action till the date of her delivery. The complainant was knowing that her daughter is pregnant and she was also knowing the day when she had intercourse with the applicant. It is out of love affair.

8. Considering the age of this applicant, the applicant has relied on the judgment of this Court in the case of Sunil Mahadev Patil Vs. The State of Maharashtra [2015 SCC OnLine Bom. 6204], wherein the observations are made in paragraph No.12 that the some factors are to be considered while considering the sexual assault on a minor child whether the act is violent or where there are antecedents.

9. In this case act is not violent and there are not antecedents. The applicant is ready to marry with the victim. Considering the sexual relations out of love affair and it was not disclosed till her pregnancy of eight and half months, the case is made out to release the applicant on bail. Accordingly, I pass the following order:

i] The criminal application is allowed.

ii] The applicant shall be released on bail in connection with Crime No.219/2025 registered with Police Station Ramnagar, District Chandrapur for the offences punishable under Sections 64(1), 64(2), 65(1) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 12 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 Investigating Officer.

The Criminal application is disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.)