



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

CRIMINAL APPEAL NO.289/2025

(Shubham S/o Domaji Bisen Vs. State of Maharashtra, through Police Station Officer Police Station Wadi,
Nagpur)

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

Court's or Judge's orders

Mr. N.S. Padia, Advocate for the appellant.
Mr. Anant Ghogare, A.P.P for the respondent No.1/State.
Ms. Aashta Sharma, Advocate (appointed) for the respondent No.2.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 1.12.2025.

The appellant is arrested in Crime No.178/2024 for the offence punishable under Sections 376(2)(n) and 376(3) of the Indian Penal Code, Sections 4 and 6 of the Protection of Children from Sexual Offences Act and Sections 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is alleged that the victim who is 15 years, 7 months and few days sexually abused by the appellant. The appellant is her neighbour. They have love affair. The victim has given her statement that they have love affair and whenever nobody was in her house the applicant used to come and they had sexual relations. At the stage of six months pregnancy, her parents came to know about it. The victim has given statement that though she has given consent for sexual relations it was under assurance of marriage and on her statement crime is registered.

3. Learned Advocate for the appellant has stated that appellant is 21 years of age, he is taking education, there is love affair and this Court has granted bail in the case of Nitin Damodar Dhaberao V/s.

State of Maharashtra and another (Criminal Application (BA) No.718/2023 to the applicant in that case though the girl was 13 years of age as it was out of love affair. Since last one and half years the appellant is in jail. The charge sheet is filed. The custodial interrogation is not required. The appellant will abide by the conditions imposed by this Court. Hence, prayed to release the appellant on bail.

4. Learned A.P.P. opposed the appeal submitting that the victim is minor and, therefore, consent is immaterial. She was pregnant and compelled to abort the child. Considering the age of the victim, prayed to reject the appeal.

5. The learned Advocate for the respondent No.2 has opposed the appeal stating that the offence under the provisions of POCSO Act is committed by this appellant. She was pregnant and has given the statement that the appellant had sexual relations forcibly. Hence, prayed to reject the appeal.

6. Heard both sides and perused the record.

7. The victim was 15 years and 7 months at the time of offence. It means she was knowing the relationship and its consequences. As per F.I.R. they were knowing each other and they were having friendly relations. The appellant used to go to her house and they were knowing each other, whenever they got privacy at his house he used to call her and they had sexual relations. Till period of 6 months she did not disclose it to anybody. She has kept mum about the sexual relations. Considering the age of the appellant it is out of love affair, case is made out to release the appellant on bail.

- i) Appellant - Shubham S/o Domaji Bisen be released on bail Crime No.178/2024 for the offence punishable under Sections 376(2) (n) and 376(3) of the Indian Penal Code, Sections 4 and 6 of the Protection of Children from Sexual Offences Act and Sections 3(1)(w) (i), 3(1)(w)(ii) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act on his furnishing PR. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount before the trial Court.
 - ii) The appellant shall not in any way tamper with the prosecution evidence.
 - iii) The appellant shall not pressurize or threaten the prosecution witnesses.
 - iv) The appellant shall co-operate with the learned trial judge in the conduct of the trial.
7. The Criminal Appeal stands disposed of accordingly.
8. Pending applications, if any, also stand disposed off.

(MRS.VRUSHALI V.JOSHI, J.)