



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

CRIMINAL APPLICATION (BA) NO. 740 OF 2025

(Milind Vinod Khandare

Vs.

State of Maharashtra, Thr. PSO, PS Barshitakli, Tq. Barshitakli,
Dist. Akola.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. C.N. Wankhade, Advocate for the Applicant (VC).
Ms. H.N. Prabhu, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 8th AUGUST, 2025

1. The Applicant came to be arrested on 22.05.2025, in connection with Crime No. 226/2025 registered with Police Station Barshitakli, District Akola for the offence punishable under Sections 75, 78, 63, 64, 351(1) of the Bhartiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of the report lodged by the Victim women aged about 28 years on an allegation that she got acquaintance with the present Applicant and the present Applicant was asking her for the sexual favours. On 04.12.2024 when she came to her matrimonial house and again went to her parents house, at that time, the present Applicant subjected her for the forceful sexual assault. On the basis of the said report Police have

registered the crime against the present Applicant.

3. Heard learned Counsel for the Applicant through Video Conferencing who submitted that, it appears to be a consensual relationship between the Victim and the present Applicant. As far as further incarceration is concerned, which is not required, as the investigation is already completed charge-sheet is already filed. In view of that, the Applicant be released on bail.

4. Learned APP, strongly opposed the said Application and submitted that, by threatening her, the present Applicant has subjected her for the forceful sexual assault. As far as the consensual relationship is concerned, nothing is on record to show that there was a consent on the part of the Victim. In view of that, the Application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers, it reveals that the present Applicant is the resident of Village where her parents are residing and as per the allegations she was subjected for the forceful sexual assault when she had been to the house of her parents. From the recitals of the report it reveals that there was a consensual relationship between both of them. As far as further incarceration is concerned, which is not required as the investigation is already completed. In view of that, the Application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
 - ii. The Applicant – Milind Vinod Khandare in connection with Crime No.226/2025 registered with Police Station Barshitakli, District Akola for the offence punishable under Sections 75, 78, 63, 64, 351(1) of the Bhartiya Nyaya Sanhita, 2023, be released on bail, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
 - iii. The Applicant shall not enter into the vicinity of Village Goregaon Khurd, Taluqa and District Akola till culmination of the trial.
 - iv. The Applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.
 - v. The Applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
6. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)