IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 BAIL APPLICATION NO. 90 OF 2026

Deepak Shirish Nagpure
VERSUS
The State Of Maharashtra And Another
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Mr. Gangakhedkar Shailendra S, Advocate for the Applicant
Mr. S. V. Hange, APP for Respondent No.1 – State
Ms. Pooja K. Apache, Advocate for Respondent No.2 (*Appointed*)
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CORAM : HITEN S. VENEGAVKAR, J.
DATE : 13.10.2026

PER COURT :

1. Heard the learned Advocate for the Applicant and the learned APP for Respondent No.1 – State and the learned Advocate appearing for Respondent No.2 - Victim / Informant.

2. The present Applicant seeks regular bail in connection with Crime No.449/2025, registered with Hingoli Rural Police Station, District – Hingoli, for the offence punishable under Sections 64(2)(m), 64(2)(i), 65 and 96 of the Bharatiya Nyaya Sanhita, 2023 [hereinafter referred to as 'BNS'] and Sections 4 and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 [hereinafter referred to as 'the POCSO Act']. The Applicant came to be arrested on 06.08.2025 in connection with the aforesaid offence and since then, he is in custody.

3. The case of Prosecution, in short, is that, the Prosecutrix was chatting with the son of the accused. During the said chats, she

used to complain to the son of the accused that her parents would often beat and scold her. She expressed her desire to leave her house, upon which, the son of the accused, who is also a juvenile accused in the present offence, suggested that she come and reside with them. Accordingly, the Prosecutrix left the house of her parents and went to reside at the house of the present Applicant. It is the case of the Prosecutrix that, initially for 15 to 20 days, the Prosecutrix was treated well. However, on 13.07.2025, 25.07.2025 and 29.07.2025, the juvenile accused allegedly subjected the Prosecutrix to forcible sexual intercourse. It is alleged that the Prosecutrix resisted the juvenile accused; however, under the pretext of marriage, he committed the said acts. The Prosecutrix has informed the said incident to the present Applicant and also expressed her desire to return to her house. However, she was told that, they will send her to her house on 15th August. It is further alleged that, on 16.07.2025 at about 11:00 p.m, the present Applicant took the Prosecutrix in his bedroom and committed sexual intercourse with her. Thereafter, on 04.08.2025, the Prosecutrix made a phone call on emergency number to police authorities and informed that, she desired to return to her home; however, the Applicant and other family members were not allowing her to go to her house. The Prosecutrix was thereafter rescued by the police.

4. The learned Advocate for the Applicant submits that, the age of Prosecutrix is 15 years and 7 months at the relevant time. However, the medical document suggests that, her age is between 15 and 17 years. He submits that, taking into consideration that the age of the Prosecutrix is around 17 years, and that she had left

the house of her parents on her own wish and came to reside in the house of the present Applicant, it prima facie suggests that there was absolutely no force or coercion upon the Prosecutrix. He further submits that the statements of the prosecution witnesses themselves reveal that the Prosecutrix was moving about freely in the house and, on certain occasions, used to sit outside the house in the verandah, where she was free to interact with other persons. However, she had never expressed any complaint of sexual harassment or any kind of harassment to anybody. According to the learned Advocate, even if the allegations are accepted at face value, they disclose a consensual relationship and, therefore, the Applicant deserves to be released on bail. He further submits that the allegation of forcible sexual intercourse committed upon the Prosecutrix at the behest of the present Applicant is not supported by any independent witness.

5. The learned Advocate for the victim, as well as the learned APP for the Respondent – Stat, resisted the Application by submitting that, the Prosecutrix had left her parent's house in distress and for the purpose of shelter, had come to the house of the present Applicant. The act of committing forceful intercourse by the co-accused, who is a juvenile offender, was intimated to the present Applicant. However, despite knowing that the Prosecutrix is a minor, the Applicant did not report the said incident to the police authorities, as required under the POCSO Act. She argues that, non-reporting the said incident to the police authorities constitutes an offence against the present Applicant. Secondly, despite having knowledge that the Prosecutrix is only 15 years of age, the Applicant himself allegedly committed forcible sexual

intercourse with her. The statement of the Prosecutrix contains specific details, including the date of the incident and the acts allegedly committed by the present Applicant. Taking into consideration the allegations levelled against the present Applicant, this is not a fit case for granting the bail to him.

6. I have heard the learned Advocate for the parties and have also perused the entire charge-sheet. Taking into consideration the statement of the Prosecutrix itself, the role of the present Applicant has been specifically described. The alleged incident of forcible intercourse committed by the present Applicant upon the Prosecutrix has been narrated in specific details with the date of the incident and the number of times the said act has been committed. The record indicates that, at the time of alleged incident, the Prosecurtix was 15 years and 7 months old, while the present Applicant was almost 40 years of age. The fact that the co-accused, who is a juvenile offender, had brought another minor girl in the house of the present Applicant itself ought to have been reported by the present Applicant to the police authorities. At the very least, some affirmative steps were expected from the Applicant to restore the custody of the minor to her parents. On the contrary, the Applicant had indulged himself in concealing the custody of the Prosecutrix in his own house and permitted his minor son to perform forcible intercourse with the Prosecutrix. The Prosecution has also placed material on record to show that, the present Applicant has also indulged in committing forcible intercourse with the Prosecutrix on multiple occasions. Taking into consideration the nature of allegations, the material collected against the present Applicant and fact that, a 15 year old girl was concealed and raped

by the present Applicant, I am of the opinion that, the Applicant does not deserve to be released on bail. Hence, the following order :

ORDER

[A] The Application stands rejected.

7. The fees of learned Advocate Mr. Ms. Pooja K. Apache appointed for Respondent No.2 is quantified at Rs.10,000/- [Rupees Ten Thousand Only] to be paid by the High Court Legal Services Sub - Committee, Aurangabad.

[HITEN S. VENEGAVKAR, J.]

Sameer/Oct-2026