IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1130 OF 2026

SHRIKRUSHNA BABAN KHAMKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. Shashikant E. Shekade, Advocate for Applicant
Mr. D. J. Patil, APP for Respondent – State
Ms. Sarika Tekale, Advocate for Respondent No.3 (Appointed)

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 29th OCTOBER, 2026

PER COURT :

1. Heard learned Advocate appearing for the applicant, learned Advocate appearing for the original informant and the learned APP appearing for the respondent – State.

2. The present application seeking regular bail in connection with Crime No.30 of 2026 registered with Beed Rural Police Station, for the offences punishable under Sections 64(2)(m), 64(2)(i), 65(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS), Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), and Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006. The applicant came to be arrested on 05th February, 2026.

3. The prosecution story, in brief, is that, the victim, on

26th January, 2026 while taking treatment in Ward No.18 of Government Hospital, Neknoor, gave a statement that, she is residing with her husband and in-laws. Her maternal home is at Kolwadi, Taluka and District Beed and her mother and father are doing sugarcane cutting work. She has submitted that prior to one year her marriage was solemnized with the present applicant as per the Hindu rights and rituals. After two to three months of marriage, the present applicant had physical relationship with her and thereafter she became pregnant. On 25th January, 2026, she was admitted in Government Hospital, Neknoor as she was suffering from some pain. Thereafter, on 26th January, 2026 after caesarean, she delivered a baby boy. This was reported by the hospital. Subsequently, the present offence came to be registered against the present applicant and his parents.

4. Learned Advocate for the applicant submits that as far as other accused persons are concerned, they are released on anticipatory bail. The applicant is the only accused, who is in custody. That, investigation is complete and charge-sheet is filed. Learned Advocate submits that the victim at the relevant time was 16 and half years of age while the applicant himself was around 27 years of age. They were in love affair, and therefore, with the consent of both the family members, the marriage was solemnized

as per the rights and rituals. The marriage culminated into the pregnancy of the present victim and a baby boy has been born. Learned Advocate for the applicant submits that the applicant as well as his parents are of labour class. He is illiterate and therefore there was no intention of committing any offence. As the applicant and the informant were in love affair, they got married with each other. Thus, according to him, the investigation is complete, charge-sheet is filed, and therefore, further custody of the present applicant is not required. He prays for allowing the application and releasing the applicant on bail.

5. Learned Advocate appearing for the victim submits that the statement given under section 183 of BNSS have stated that there was a love affair between the present applicant and victim herself. The marriage was solemnized. The victim is residing with the family of the present applicant. She became pregnant and now have delivered a baby boy. She has instructions that the bail can be granted.

6. Learned APP objected the application by stating that admittedly the girl was 16 and half years of age at the time of marriage and when the incident has taken place. The consensual marriage or the consensual physical relationship cannot be the ground for POCSO as the victim was minor. He submits that the

trial can be expedited. He prays for rejection of the bail application.

7. I have considered the arguments advanced by all the parties. I have also perused the documents which have been annexed to the present application including the statement under section 183 of BNSS of the victim. Without getting into the merits of the same, it is an admitted position that both of them were in love affair and subsequently got married as per the Hindu rights and rituals. Out of the said wedlock, the baby boy has been born. The investigation is complete and charge-sheet has already been filed. There is nothing for which the custodial interrogation of the present applicant is required. In light of the aforesaid circumstances, I am inclined to allow the application. Hence, the following order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant, Shrikrushna Baban Khamkar, shall be released on bail in Crime No.30 of 2026 registered with Beed Rural Police Station, for the offences punishable under Sections 64(2)(m), 64(2)(i), 65(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS), Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), and Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006, on furnishing a personal bond of Rs. 5,000/- (Rupees Five Thousand only) with one or two

solvent surety in the like amount, subject to the following conditions :

a) The applicant shall attend the trial Court on every date fixed, unless his attendance is specifically exempted.

b) The applicant shall not, directly or indirectly, contact, threaten, induce or influence the informant or any prosecution witness and shall not tamper with the prosecution evidence.

c) The applicant shall furnish his current residential address and mobile number to the Investigating Officer and the Trial Court within seven days of release, intimate any change forthwith, and attend the Investigating Officer upon prior written notice if further investigation is required.

d) The applicant shall not involve himself in any offence of a similar nature while on bail.

e) Breach of any of the above conditions shall entitle the prosecution to apply for cancellation of bail.

(iii) All observations in this order are prima facie and confined to the decision of this bail application. The trial Court shall decide the case independently on the evidence led before it.

(iv) The Bail Application is disposed of in the above terms.

(HITEN S. VENEGAVKAR)
JUDGE

Tandale