.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

52 BAIL APPLICATION NO. 1551 OF 2026

Navnath Dharma Khillare
VERSUS
The State Of Maharashtra And Another
...
Mr. Swapnil Patnurkar and Mr. Omkar Jadhav, i/by J. P. Legal Associates, Advocate for the Applicant
Mr. S. D. Ghayal, APP for the Respondent-State
Mr. Datta A. Madke, Advocate for Respondent No.2

WITH
CRIMINAL APPLICATION NO. 3260 OF 2026
IN BA/1551/2026

Xyz
VERSUS
The State Of Maharashtra And Another

CORAM : HITEN S. VENEGAVKAR, J.
Dated : 5th October, 2026

PER COURT :-

1. By the present application, the applicant is seeking regular bail in connection with the Crime No. 0348 of 2026 registered with Neknur Police Station, District Beed for the offences punishable under sections 137(2) 64(2)(f)(m), 87, 69 of the Bhartiya Nyaya Sanhita, 2023 and under Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012. The applicant came to be arrested in connection with the alleged offence on 03.07.2026 and since then, he is in custody.

2. The prosecution story, in brief, is that the victim, at the time of commissioning of the crime was 17 years, 7 months and 16 days old. It

is alleged that on 01.12.2025, the victim, while she was in company of the informant and his wife, at about 04.00 a.m., does not appear in the residential house. The informant and his wife tried to take search but the victim was not found. Therefore, on 04.12.2025, the informant registered a missing complaint. On 02.07.2026, it is alleged that the victim was found with the present applicant and her statement came to be recorded. It is the case of the prosecution during the period from 03.12.2025 till 01.06.2026, the present applicant, under the pretext of performing marriage with the victim, committed forcible sexual intercourse with the victim and impregnated her.

3. The learned Advocate for the applicant submits that at present he does not dispute the age of the victim and also does not dispute that the present applicant and the victim had left from their residential houses and have stayed separately during the period from 03.12.2025 till 01.06.2026. He, however, submits that the applicant and the victim were in love affair and wanted to marry each other. As there was difference in their age gap, they apprehended that the parents will not permit their marriage and therefore, they decided to flee from the residential houses and marry. He argues that in fact, both of them got married, which is clear from the submission of the victim herself. Thereafter the victim has become pregnant and on 21.09.2026, the victim has delivered a baby boy. The marriage has already taken place between them on 19.06.2026. Presently, the victim is more than 18 years of age. The victim is presently residening with the applicant

along-with baby boy, delivered from the said wedlock. He submits that merely because of the unhappiness of the informant, the applicant came to be arrested. He submits that victim and the applicant are happily married, staying together with the family of the applicant. He submits that the informant and his family members are not keeping any relation with the victim. The applicant is only supporting emotionally and financially to the victim. He submits that the applicant has been arrested on 03.07.2026 and since then he is in custody. Taking into consideration the facts of the consensual relationship between the parties and the fact that the victim and the present applicant are already married and the victim has delivered a baby boy, the applicant be released on bail on such terms and conditions.

4. The learned Advocate appearing for the original informant, who happens to be the father of the victim submits that at the time when the offence was commissioned, the victim was minor. She was taken away from his lawful custody under the false pretext of marriage. Physical relation has been maintained. He submits that though it is stated that they have married, he argues that, that will be of no relevance for the reason that on the day when offences was commissioned the victim was minor. He submits that the application be rejected.

5. The learned APP also argues on the same line and opposed he

application.

6. I have heard the learned Advocate for the applicant, the learned Advocate for the informant and the learned APP for the State. I have also perused the entire charge-sheet that has been annexed to the present application.

7. The most important part of the entire charge-sheet is the statement of victim, which has been recorded by the prosecution. In the charge-sheet, the victim clearly states that she was not forced to leave the residence of the informant and they have gone together. She also mentions that though she was minor, the present applicant had performed marriage with her and thereafter, they had maintained physical relationship. Though, there are some allegations pertaining to the tampering with the date of birth of the victim, in the statement she states that, that was only with an intention to get married as, on the date on which the marriage was to be performed, she was minor The second aspect that really requires consideration is the marriage between the applicant and victim and thereafter a child which has been born out of the said wedlock. Presently the victim is residing with the applicant's family and at least from the version of the applicant, it is staged that they are happily married and want to spend their entire life together.

8. Taking into consideration the marriage and the child that has been born out of the said wedlock, the aspect whether the offence that

was committed on 01.12.2025 till 03.07.2026 falls within the parameters of POCSO Act will have to be established before the trial Court. No doubt, at this stage, the age of the victim cannot be disbelieved but on the same side, it cannot be overlooked that she was few months away from becoming major. Presently, she is major and also delivered a baby boy out of the wedlock and both of them are happily residing together. Therefore, I am of the view that at this stage, the applicant can be released on bail. Hence, the following order.

ORDER

(i) Bail Application No. 1551 of 2026 is allowed.

(ii) Applicant- Navnath Dharma Khillare shall be released on bail in Crime No. 0348 of 2026 registered with Neknur Police Station, District Beed for the offences punishable under sections 137(2) 64(2)(f)(m), 87, 69 of the Bhartiya Nyaya Sanhita, 2023 and under Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012 on executing P.R. Bond of Rs.5,000/- (Five thousand) with one or two solvent sureties in the like amount.

(iii) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

(iv) Pending Criminal Application also stands disposed of.

(HITEN S. VENEGAVKAR, J.)

JPChavan