



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

BAIL APPLICATION NO.354 OF 2026

Gajanan S/o Savalahari Bhare,
Age:- 23 years, Occ. Education,
R/o:- Konewadi, Tq. & Dist.
Chhatrapati Sambhajnagar

..Applicant

Versus

1. The State of Maharashtra,
Through Police Station Officer,
City Chowk Police Station,
Tq. & Dist. Aurangabad.

2. XYZ

..Respondents

...

Mr. P. P. More h/f Mr. N. S. Ingle, Advocate for the Applicant.
Mr. C. V. Bhadane, APP for Respondent No.1.

...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 12th MARCH, 2026.**

P.C.:-

1. The applicant seeks regular bail in connection with Crime No.42/2026 registered with City Chowk Police Station, Dist. Chhatrapati Sambhajnagar for the offences punishable under Sections 64(2)(f), 64(2)(m), 340(2), 65(1), 69 of Bhartiya Nyaya Sanhita, 2023 and Sections 4, 6 and 8 of POCSO Act.

2. The investigation was set in motion on the basis of information given by informant aged about 16 years 3 months. She states that she lost her mother 13 years prior to date of registration of FIR, whereas her father is suffering imprisonment. Since

childhood, she alongwith her brother resides alongwith her maternal uncle. She is taking education in 11th standard and presently pursuing classes for police recruitment and resides in rented room at Chhatrapati Sambhajnagar in TV Centre area. The applicant/accused is son of her cousin maternal uncle. He also resides at Chhatrapati Sambhajnagar and preparing for police recruitment. He used to meet her, express his love for her, and assure her that he wished to marry her. On his assurance, she came to Aurangabad from Jalna. He took her to lodge and under pretext of promise to marry, he established physical relations with her. Since 12.10.2025 accused took her to same lodge for 5 to 6 occasion and established physical relations. On 06.02.2026 he refused to marry her under pretext that his parents are not ready. Hence, complaint is filed.

3. In pursuance to registration of offence, applicant has been arrested on 07.02.2026. Since then, he is behind bar. The applicant moved Criminal Bail Application No.309/2026 before Sessions Judge at Aurangabad, which came to be rejected vide order dated 17.02.2026.

4. Mr. More, learned Advocate appearing for applicant submits that present case is of consensual relationship on account of intimacy between applicant and informant. Both are relatives. The victim has filed FIR due to anger and she admitted her love

relationship with applicant by filing say to Bail Application before Sessions Court. Even she has given no objection for grant of bail. Mr. More would rely upon observations of Supreme Court in case of ***Kunal Chatterjee Vs. The State of West Bengal and Ors (Special Leave Petition (CRL.) No.7004 of 2025*** decided on **29.07.2025**) and observations of Division Bench of this Court in case of ***Shiva Chanappa Odala Vs. State of Maharashtra and Another***¹.

5. The learned APP appearing for respondent-State strongly opposes prayers for grant of bail contending that informant/victim was minor aged about 16 years 3 months. The applicant took benefit of her precarious condition and under pretext of false promise of marriage, raped on her. The investigation is in progress. The offence is serious in nature.

6. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that applicant is aged about 22 years, whereas victim was aged about 16 years 3 months. They had developed intimacy and there were multiple episodes of consensual physical relationship. It is true that FIR alleges that relationship was established under false promise of marriage. However, from sequence of events narrated in FIR, *prima facie* it is difficult to believe that physical

¹ 2023 (1) Crimes 548.

relationship was established solely on basis of such false promise or that applicant retracted from his promise after exploiting victim. There may be various reasons, including social conditions and internal relationship between families, which might have resulted in retraction of promise of marriage. Although victim was minor, from her conduct she appears to be mature to understand consequences of maintaining physical relations. The question whether victim was induced to enter into physical relationship on false promise of marriage would be matter of trial. However, considering tender age of applicant, who is also preparing for competitive examination, further detention would not be necessary. In result, case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Gajanan S/o Savalahari Bhare be released on bail in Crime No.42/2026 registered with City Chowk Police Station, Dist. Chhatrapati Sambhajanagar for the offences punishable under Sections 64(2)(f), 64(2)(m), 340(2), 65(1), 69 of Bhartiya Nyaya Sanhita, 2023 and Sections 4, 6 and 8 of POCSO Act on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) on following condition:

- a. The applicant shall not tamper with prosecution evidence in any manner.
 - b. The applicant shall attend each and every effective date before the Trial Court.
 - c. The applicant shall not contact victim.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE