



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

BAIL APPLICATION NO. 649 OF 2026

Sagar @ Santosh Kamal Patle,
Age : 24 Years, Occu. : Student,
R/o Shrikhed, Tq. Shahada,
Dist. Nandurbar. .. Applicant

Versus

The State of Maharashtra and another .. Respondents

Shri Sushil P. Pandit, Advocate for the Applicant.
Shri S. B. Narwade, A.P.P. for the Respondent No. 1.

CORAM : SHAILESH P. BRAHME, J.
DATE : 07TH MAY, 2026.

FINAL ORDER :

. Office remark shows that the service report of the respondent No. 2 is awaited. The respondent No. 2 is the informant – victim. As the complaint and the charge sheet have been filed for the offence punishable under the Protection of Children from Sexual Offence Act, it is not mandatory for the applicant to implead the victim as a party.

2. Heard both sides.

3. Applicant is seeking enlargement on bail in respect of offence bearing Cr. No. 93/2026 registered with Shahada Police Station, Dist. Nandurbar for the offences punishable U/Sec. 69 of

the Bharitya Nyaya Sanhita, 2023 (for the sake of brevity and convenience hereinafter referred as to the “B. N. S.”).

4. The applicant is arrested on 24.01.2026. His application for bail after charge sheet was rejected by the Sessions Court on 31.03.2026, but time upto 27.04.2026 was granted to the applicant to surrender. Present application is filed on 06.04.2026. Applicant's father expired on 16.04.2026. He was granted temporary bail vide order dated 24.04.2026. There is no complaint of any misuse of liberty against him.

5. It is reported that the informant was lured by him for false promise of marriage and established physical relations. They are stated to be in relationship for one year. On her insistence for marriage, applicant is alleged to have given false reasons and evaded the request.

6. Learned counsel for the applicant would submit that this is consensual relationship. Supplementary statement is improvised story. The informant has refused to undergo medical examination.

7. Learned A. P. P. would submit that offence is squarely covered by Sections 69 and 88 of the B. N. S. The statements of the room-mates would corroborate prosecution story.

8. First information report was lodged on 24.01.2026 stating

the relationship for preceding one year. They are alleged to have been in physical relationship preceding seven to eight months of lodging of the complaint. Informant is stated to have been lured by promise of marriage. The report does not spell out forcible termination of pregnancy.

9. The supplementary statement would disclose improvised story of termination of pregnancy. This significant allegation is absent in the first statement. *Prima facie* the version of the informant is doubtful. An objective scrutiny is required to examine as to whether offence U/Sec. 69 of the B. N. S. is made out or not.

10. The victim is 23 years old at the relevant time. She was in relationship with the applicant for considerable period. She refused to undergo medical examination. *Prima facie*, I am of the view that the relationship was consensual.

11. The allegations regarding offence U/Sec. 88 of the B. N. S. need to be examined during the course of trial. That would not impede this Court from enlarging him on bail. The applicant is behind bars since 24.01.2026 barring the period for which he was enlarged on temporary bail. I, therefore, pass following order.

O R D E R

A. The bail application is partly allowed.

B. The interim bail granted by the Sessions Court vide order dated 31.03.2026, which is further modified by order dated 24.04.2026 passed by this Court shall stand confirmed.

C. Applicant shall continue to be on bail on same condition as directed by Sessions Court with following additional conditions.

(a) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(b) The applicant shall cooperate in expeditious disposal of trial.

(c) The applicant shall surrender his Aadhar and Pan cards to the investigating officer.

D. Bail application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/May 26