

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2122 OF 2025**

Akshay @ Viraj Parsharam Nalwade

... Applicant

Versus

The State of Maharashtra & Anr.

... Respondents

Mr. Manoj Bagal (Through VC) a/w. Mr. Rohit P. Patil, Advocates for the Applicant.

Mr. P. P. Jadhav, APP for the Respondent-State.

Mr. Vrushab Savla, Advocate appointed by Legal Aid for Respondent No.2.

Ms. Madhumati Shinde, API- Pimpri Police Station, Pune, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th MARCH, 2026.

P.C. :

1. By this application, the Applicant is seeking regular bail in C.R.No. 136 of 2021 registered with Pimpri Police Station, Pune, for the offences punishable under Sections 363, 366, 376(2)(n), 506 and 504 of Indian Penal Code, 1860 (for short “IPC”) and Sections 3(a)(c), 4, 5(l)(q) and 6 of Protection of children from Sexual Offences Act, 2012 (for short “POCSO Act”)

2. It is prosecution’s case that applicant kidnapped the minor daughter of the first informant, sexually assaulted her and impregnated her. The victim delivered a girl child.

3. It is contention of learned counsel for the applicant that there

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was love affair between the applicant and victim. At the time of incident victim was more than 17 years 9 months old. She stayed with the applicant for more than 2 years and six months, but during this period she did not make any complaint to anyone about the assault or kidnapping. The applicant is behind bars more than two years and five months. There is no progress in the trial and requested to allow the application.

4. It is contention of learned APP along with learned counsel for respondent No.2 that the applicant was aware about the age of the victim. In spite of that, he kidnapped her and sexually assaulted her on the promise of marriage. When victim became major, applicant refused to marry her. Due to said sexual assault, victim has given birth to a girl child on 01.02.2022. Applicant has criminal antecedent. If the applicant is released on bail, he may abscond or threaten prosecution witnesses. Hence, requested to reject the application.

5. I have heard both the learned counsel. Perused chargesheet and documents produced on record. The victim was staying with the applicant for more than two years and six months but during this period she did not make complaint to anyone. The applicant is behind bars for two years and five months. There is no progress in the trial. Considering these facts, I pass following order.

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ORDER

- i. The applicant be enlarged on bail in C.R.No. 136 of 2021 registered with Pimpri Police Station, Pune, on executing P.R.Bond of Rs. 30,000/- on furnishing one or two sureties in the like amount.
- ii. The applicant shall attend the concerned police station as and when required.
- iii. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6. The application is allowed in the aforesaid terms and is accordingly disposed of. All pending applications, if any, disposed of.

7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)