



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPEAL NO. 89 OF 2026**

PARVEJ KHAN NIZAM KHAN  
VS  
STATE OF MAHARASHTRA AND ANR.

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*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders.*

*Court's or Judge's order*

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Shri R.M. Shaikh, Advocate for appellant.  
Ms. S.S. Dhote, APP for respondent/State.  
Ms. Varsha A. Warade, Advocate (appointed) for respondent no. 2.

**CORAM : NEERAJ P. DHOTE, J.**  
**DATE : 18/03/2026**

This is an Appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'SC & ST Act'), as the regular Bail Application below Exh. 9 in Special (POCSO) Case No. 43/2022, preferred by the Appellant came to be rejected by the learned Special Judge, Mehkar, District Buldhana by impugned order dated 15/09/2023.

2. The Crime bearing no. 188/2022 came to be registered with Dongaon Police Station, District Buldhana against the Appellant on the report lodged by the victim's mother that, the Appellant kidnapped the victim and committed sexual intercourse with her. At the relevant time, the victim was minor aged 13 years and 6 months old. During the investigation, the Appellant and the victim were traced. The investigation was concluded and the Appellant came to be charge-sheeted.

3. It is submitted by the learned counsel for the Appellant that, there was a love relationship between the Appellant and the victim. Though the charge is framed, there is no progress in the trial. The Appellant was 23 years of age at the relevant time. He is ready to abide by the conditions, and he be released on bail.

4. It is submitted by the learned APP for the State that, the victim was minor and was kidnapped by the Appellant. The statement of the victim was material. Considering the nature of offence, the Appeal be dismissed.

5. The Appeal is opposed by the learned counsel for the victim. She submits that, the victim was 13 years and 6 months old at the relevant time and therefore, the consent is immaterial. The statements of the victim and the statement of the witnesses show that, on false promise of marriage, the Appellant kidnapped the victim and subjected her to sexual abuse. She submits that, the Appeal be dismissed.

6. Perused the papers on record. The victim's age is shown as 13 years and 6 months. It is true that, the consent of the victim would be immaterial, she being a minor. The statement of the victim *prima facie* indicates that, she eloped and stayed with the Appellant for near about three months. The Appellant at the relevant time was 23 years old. The investigation is completed. The charge-sheet is filed. Though the Charge is framed against the Appellant, there is no progress in the trial. The Appellant is behind the

bars for a period of 3 years and 3 months. In this view of the matter, I am inclined to allow the Appeal in the following terms:-

ORDER

[I] Criminal Appeal is **allowed**.

[II] The impugned order dated 15/09/2023 passed by the learned Special Judge, Mehkar, District Buldhana in Special (POCSO) Case No. 43/2022, is hereby quashed and set aside.

[III] The Appellant be released on bail on furnishing PR. bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] with one surety in the like amount.

[IV] The Appellant shall not tamper with the prosecution evidence in any manner.

[V] The Applicant shall co-operate with the learned Trial Court in early disposal of the trial.

[VI] Bail before the Trial Court.

[VII] For this Appeal, the fees of the learned Advocate appointed to represent the Respondent no. 2 is quantified at Rs. 7,500/- [Rupees Seven Thousand Five Hundred Only], which shall be paid by the High Court Legal Services Sub-Committee, Nagpur.

[VIII] Criminal Appeal stands **disposed of** accordingly.

**(NEERAJ P DHOTE, J.)**