



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

CRIMINAL APPLICATION [BA] NO. 1117 OF 2025.

Abhay Vilas Dhurve.

-VERSUS-

State of Maharashtra and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.M. Chandekar, Advocate for the Applicant.
Ms T. Udeshi, A.P.P. for Non-applicant No.1/State.
Ms P. Lakhani, Advocate (Appointed) for Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 20, 2026.

Heard learned Counsel for the parties.

2. In the present case, the first information report came to be registered at the instance of victim who is aged 13 years and 11 months. She has alleged that the applicant is known to her, and he used to frequently call her on mobile phone of her father, which led to love affair between both. In the month of March, 2025 in the night at about 11 p.m. both met and had sexual intercourse. It is alleged that the victim resisted, however, still the applicant committed the said act. Even thereafter, the applicant used to come

to her village in night hours and 4-5 times, they had sexual intercourse, because of which the victim got pregnant and therefore, the report came to be filed.

3. On the basis of the said report, Crime No.146/2025 was registered by Adyal Police Station, District Bhandara for the offence punishable under Sections 64[2][m], 65[1] of the Bhartiya Nyaya Sanhita, 2023 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012. The applicant was arrested on 05.06.2025, and since then he is jail.

4. The learned Counsel for the applicant submits that no doubt that the victim was of 13 years and 11 months of age, however, they were having a love affair and even the applicant was 21 years of age. Therefore, considering the age of the applicant, he deserves to be enlarged on bail. He further submits that no purpose would be served by keeping the applicant behind bars, since investigation is complete nothing is to be recovered from the applicant and moreover, charge sheet is also filed.

5. The learned Counsel appearing for non-applicants vehemently opposed the bail application on the ground that the age of the victim is 13 years and 11 months, and she is not of

understandable age. Though the applicant is 21 years of age, that by itself is not sufficient to grant him bail, and the consent is no consent in the eyes of law, when the victim is minor. They further submit that the allegations are supported by DNA report, wherein it is shown the applicant is the biological father of the fetus. Lastly it is submitted that there is prima facie sufficient material against the applicant, and prayed for rejection of his bail application.

6. Upon hearing the learned Counsel for the parties, it appears that admittedly the victim was of 13 years and 11 months of age at the time of incident. It further appears that even the applicant was of 21 years of age. It could be gathered from the contents of first information report, that they were having a love affair and out of that, the applicant had been to the village of the victim, where they had penetrative sexual intercourse, and due to which she had conceived, however, fetus was aborted.

7. Considering the fact that the age of applicant is 21 years and further the investigation in the matter is completed, no purpose would be served by keeping him in jail. Further one does not know when the trial would commence, and therefore, considering above facts, I am inclined to grant bail to the applicant. Hence, the

following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Abhay Vilas Dhurve be released on regular bail in connection with Crime No.146/2025 was registered by Adyal Police Station, District Bhandara for the offence punishable under Sections 64[2][m], 65[1] of the Bhartiya Nyaya Sanhita, 2023 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 on his furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.
- (iii) The accused shall not enter within the territorial jurisdiction where the informant is residing, till the completion of the trial.
- (iv) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (v) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.

- (vi) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.
- (ix) Fees of the appointed Counsel be quantified and paid as per Rules.

JUDGE

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