



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO.835 OF 2025

Vaibhav @ Prashant s/o Prakash Bhokre

..VS..

State of Maharashtra and anr.

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

Court's or Judge's orders

Shri S.A. Kanetkar, Advocate for applicant.

Mrs. M.H. Deshmukh, APP for the non-applicant/State.

Shri S.B. Taywade, Advocate for non-applicant no.2
(appointed).

CORAM: M.M. NERLIKAR, J.

DATE : 26.02.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.116 of 2024 registered with Khallar Police station, Amravati Rural for the offence punishable under Sections 363, 366, 376(3), 376(2)(n), 506 of the Indian Penal Code, 1860 and Sections 4 and 6 of the Protection of Children From Sexual Offences (POCSO) Act, 2012.

3. The FIR was lodged by the mother of the victim stating that on 01.06.2024, her daughter aged about 16 years, left the house to attend her MSCIT computer classes at Daryaur with friends but when she did not return home, the mother of the victim lodged the report against the unknown person alleging kidnapping of her daughter. During the investigation, name of the present applicant and further offences have been revealed.

4. Learned Counsel for the applicant submits that admittedly, the applicant had taken the victim from the

custody of her guardian. The applicant and the victim used to meet as they were having a love affair. On the date of incident, they both decided to go to Shegaon and after Darshan, the applicant took the victim to Bhusaval instead of Murtizapur, on which she questioned the applicant. When they reached Bhusawal, the applicant told the victim to come with him to Surat, as he wanted to marry her, to which she consented and both headed towards Surat and reached on 02.06.2024 at about 7.00 a.m. and resided there till 22.06.2024. They also had sexual intercourse. Thereafter, as there was FIR lodged by the mother of the victim, it was informed by one person namely Nitin Fuke that the police is in search of both of them. Hence, the applicant and victim proceeded towards Amravati. However the victim came to Amravati alone. It is submitted that there was consensual relationship between them. The applicant was arrested on 17.08.2024. Investigation is complete and charge-sheet is filed. Though the charges are framed however no evidence is led till today. Hence, considering the long incarceration of the applicant, he prayed to be enlarged on bail.

5. On the other hand, learned APP and learned Appointed Counsel for non-applicant no. 2 vehemently oppose the application by submitting that the victim was admittedly minor at the time of alleged incident. Consent of the victim being minor would be no consent in the eyes of law. The minor was removed from the custody of the guardian and compelled to go from place to place with an intent to be forced or seduced for illicit intercourse. The applicant was 37 years of age whereas

the victim was almost 16 years of age at the time of incident, hence there cannot be love affair between them. It is further submitted that due to the act of the applicant, the victim has become pregnant, which is stated in another supplementary statement that was recorded, in which there are serious allegations against him. Hence, the applicant may not be released on bail.

6. I have considered the rival submissions. It appears that the FIR came to be lodged by the mother of the victim against unknown person. After investigation, applicant was arraigned as an accused. The victim narrated entire episode at the time of recording of the statement. No doubt consent of minor is immaterial and even the minor cannot be removed from the custody of guardian without the guardian consent. Considering the nature of allegation and fact that the applicant is in jail since 17.08.2024 and even after framing of charge on 14.04/2025, there is no progress in trial. Considering all these factors, I am inclined to enlarge the applicant on bail on some stringent conditions. Hence the following order :

- (a) The application is allowed.
- (b) The applicant Vaibhav @ Prashant s/o Prakash Bhokre in connection with Crime No.116 of 2024 registered with Khallar Police station, Amravati Rural be released on bail on furnishing P.R. bond of Rs.50,000/- with one or two sureties in the like amount.
- (c) The applicant 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.

- (d) The applicant shall not enter in the territorial jurisdiction of village Kokarda, Tq. Anjangaon Surji.
- (e) 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.
- (f) 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.

7. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .

8. All Misc. application(s), pending if any, shall stands disposed of accordingly.

(M.M. NERLIKAR, J.)