



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

CRIMINAL APPLICATION [B.A.] NO. 850 OF 2025

Kisan Ramaji Mangam

-- VERSUS --

State of Maharashtra and Another

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

Court's or Judge's orders.

Mr. R.D. Hajare, Advocate (appointed) for the Applicant.

Ms. M.H. Deshmukh, A.P.P. for the Non-applicant No.1/State.

Ms. Shreya Bhagat, Advocate (appointed) for the Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 06, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.1153/2023 for the offence punishable under Sections 363, 376(2)(I), 376(2)(J), 376(2)(N), 376(3) and 450 of the Indian Penal Code, 1860, (IPC), and Section 4 of the Protection of Children from Sexual Offences Act, 2012, (POCSO), registered with Police Station Pandharkawda, District Yavatmal.

3. Initially, offence under Section 363 of IPC was registered against the present applicant. It appears from the record that the victim was 15 years of age when the incident occurred. It further appears

that the present applicant is married person, having two children, and aged about 45 years. It appears that, initially, the F.I.R. was registered by the father of the victim alleging that the present applicant and victim went away, the said fact was informed by villagers when the father was searching for the victim. Later on, during the investigation, applicant and victim were found at Pune. The statement of victim was recorded on 25/06/2024, wherein she has narrated that her father was a poor person and the applicant is the father's friend, who used to visit her house. On one occasion, the applicant went to the house of the victim and proposed her and asked her to come along with him to Pune, however, she has stated that she is just 15 years old, and there cannot be any love affair between them, however, she had further stated that the applicant has committed forceful sexual intercourse with her.

4. The learned counsel appearing for the applicant submits that it is a consensual act. He further invited my attention to the medical papers, wherein she had narrated the story that the victim was having relation with the applicant since one year. She further stated in the medical history that they were living together in Pune and had multiple consensual sexual intercourse, and therefore, he submits that considering the consent, without there

being any force or duress, the applicant may be released on bail.

5. On the other hand, the learned A.P.P., as well as the learned counsel appearing for the victim submitted that the victim was just 15 years of age, even she was not of understandable age at the relevant time. They further submitted that even if it is presumed that she had consented, but her consent is no consent in the eyes of law. Further, the present applicant is aged about 45 years, and a married person having two children. They further submitted that the present applicant has taken undue advantage of her poverty and has lured the victim, and therefore, lastly, submitted that the present applicant may not be enlarged on bail.

6. I have heard both the sides at length. Upon perusal of the papers of investigation, specifically, the statement of the victim, wherein she has specifically stated that, on the day of incident, the present applicant has proposed her. She further states that she was 15 years of age at the relevant time. She further states that the present applicant had forcefully committed sexual intercourse with her, though in the later part, it appears that, both went to Pune and resided there for some time. Even in the history given by the victim before the medical officer, it depicts that she was consenting party, however, the

fact remains that, she is just 15 years of age when the incident took place, and the applicant was of more than 45 years of age, having two children and a wife. Under such circumstances, the consent of a minor is no consent in the eyes of law. Therefore, I am not inclined to grant bail, however, liberty is granted to the applicant to apply for bail before the trial Court. In case the trial does not commence within a period of nine months.

7. In this view of the matter, the Criminal Application is **rejected**. Pending applications, if any, also stand disposed of. Fees of the appointed counsel be quantified and paid as per rules.

[M.M. NERLIKAR, J]