



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

CRIMINAL APPLICATION [BA] NO. 1099 OF 2025.

Sandip Jaywant Khandare

-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 Y.K. Dhande, Advocate for the Applicant.

Shri A. Mate, A.P.P. for Non-applicant No.1/State.

Ms K. Shekhar, Advocate (Appointed) for Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 03, 2026.

Heard.

2. The applicant came to be arrested on 21.06.2025 in connection with Crime No.460/2025 registered with Arni Police Station, District Yavatmal for the offence punishable under Sections 64, 69 of the Bhartiya Nyaya Sanhita, 2023 (BNS) and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012. Charge sheet is filed and Section 115[2] of the BNS came to be added.

3. The first information report is lodged by the minor

victim alleging that she was taking education in 12th standard in Shinde College, Arni. She came to be acquainted with the applicant in 2023, she was knowing that he is married person and is running his clinic. It is alleged that on the pretext of marrying the victim, the applicant had sexual intercourse with her on multiple occasions. On 10.07.2024, when the victim was pursuing her studies at Nanded, the applicant came there and had sexual intercourse with her, this act was committed thereafter also. In March and June 2025, also the applicant committed the said act and also assaulted the victim, and later on refused to marry her. Therefore, the first information report came to be filed.

4. The learned Counsel for the applicant submits that the act of sexual intercourse is with the consent of the victim, though she is minor i.e. 17 years and 7 months of age, however, is of understandable age. Her statement recorded under Section 183 of the BNSS would reveal that she was attracted towards the present applicant, and therefore, with her consent, the sexual act was done. Lastly it is submitted that considering the fact that investigation is over, charge sheet is filed, the

applicant be released on bail on such conditions as this Court deems fit.

5. The learned A.P.P. and the learned Counsel appearing for non-applicants vehemently opposed the application on the ground that since 2024 when the victim was just 16 years of age, the applicant has been committing rape on her. They submit that under false promise of marriage, he has committed the offence, since the applicant is a married person and since inception he was not having any intention to marry the victim, still he promised to marry and under that pretext has committed sexual intercourse. It is submitted that considering the age of the victim and there is ample evidence against the applicant in the nature of Section 183 statement and further the act of assault and rape, wherein certain injuries are inflicted on the victim is sufficient to reject his application for bail.

6. After hearing the parties concerned, it appears that admittedly the applicant is a Doctor and a married person. At the time of first incident, the victim was 16 years and 6 months of age. Admittedly it appears that the applicant has

committed sexual intercourse with the informant under false promise of marriage, however, the fact remains that the applicant is a married person, still she continued her relations with him. Further when she was at Nanded for education purpose, there also the applicant went there, they both had sexual intercourse. Further, even after coming back from Nanded, repeatedly there was sexual intercourse between the applicant and the victim. Therefore, considering the fact that the investigation is over, charge sheet is filed and the applicant is behind bar since last 7 months, 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 Sandip Jaywant Khandare be released on regular bail in connection with Crime No.460/2025 registered with Aarni Police Station, District Yavatmal for the offence punishable under Sections 64, 69, 115[2] of the Bhartiya Nyaya Sanhita, 2023 (BNS) and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 on his furnishing P.R. Bond of Rs.50,000/- with two sureties 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 applicant/accused shall directly or indirectly not try to contact the informant.
- (v) 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.
- (vi) 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.
- (vii) The accused shall attend each and every date of trial regularly. Failure on his part to attend the trial for two consecutive dates, or to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
- (viii) 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.
- (ix) Misc. Applications, if any, are also disposed of.
- (x) Fees of the appointed Counsel be quantified and paid as per Rules.

JUDGE