



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

CRIMINAL APPLICATION [B.A.] NO. 1190 OF 2025

Shrikant s/o Waghji Surve

-- 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. Sachin S. Deshpande, Advocate for the Applicant.

Ms. P.C. Bawankule, A.P.P. for the Non-applicant No.1/State.

Mr. Rahul S. Kurekar, Advocate for the Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 23, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.170/2025 for the offence punishable under Sections 64(2)(f), 64(1), 65(1), 351(3) of the Bharatiya Nyaya Sanhita, 2023, (BNS), read with Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012, (POCSO), registered with Police Station Ansing, District Washim.

3. As per the First Information Report dated 09/07/2025, the prosecutrix is a minor girl aged 14 years. The accused, Shrikant Waghji Surve, is a relative and neighbour. According to the F.I.R., in December 2024, while her parents went to work in

the fields, the accused came to her house and entered her bedroom, and he committed sexual intercourse by threatening her of dire consequences. Out of fear and due to the family relations, she did not disclose the incident at that time. As her menstrual cycle stopped, medical examination and sonography was conducted which revealed that she was approximately six months pregnant. Upon being questioned by her parents, she disclosed the incident to them. On the basis of her statement, the crime was registered against the accused.

4. The learned counsel appearing for the applicant submits that the victim is more than 14 years of age. When it was noticed that she is carrying pregnancy of six months, she has made allegations of rape against the applicant and which report was lodged belatedly. The delay in registration of the F.I.R. is not explained. The applicant is of 22 years of age. The sexual intercourse between the applicant and the victim happened only once, thereafter, according to the applicant, no incident of sexual intercourse took place and that too with her consent. He further submits that upon perusal of statement of Dr. Beheti, it appears that, she has not done the sonography of the victim, and therefore, according to the applicant, the case is false, and therefore, prayed

to allow the application by releasing the applicant on bail.

5. On the other hand, the learned A.P.P. and the learned counsel appearing for the victim vehemently opposes the application and submitted that, at the time of incident, the victim was of 13 years and 4 months of age. There are serious allegations of rape against the applicant. They further submit that upon perusal of the F.I.R. it could be gathered that the applicant is the maternal brother of her father. Admittedly, as the victim was minor, she was not able to understand the consequences of the act, and therefore, according to them, she did not disclose this fact, and it was revealed only when she was found to be approximately six months pregnant. They further submit that the allegations in the First Information Report is supported by the D.N.A. report, wherein the applicant and the victim are concluded to be the biological parents of the baby. According to them, the abortion was done after the orders passed by this Hon'ble Court, and thereafter, the samples are collected. Considering the age of the victim and the fact that the present applicant was the biological father of the baby, bail may not be granted.

6. I have considered the rival submissions. Admittedly, it appears that, the victim was of 14 years when the report was lodged. It is also an admitted

fact that when the report was lodged, she was carrying six months pregnancy. It further appears from the First Information Report that the present applicant entered the house of the victim, and thereafter, has committed sexual intercourse. She tried to resist, however, the applicant put his hand on her mouth, and thereafter, had a sexual intercourse. No doubt, there are serious allegations against the applicant. It further appears from the DNA report that the present applicant is the biological father of the baby. However, the fact remains that, the applicant is of 22 years of age. Considering this fact and the fact that the investigation is complete, charge-sheet is filed, and the applicant is in jail since 12/07/2025, I am of the opinion that no purpose would be served by keeping the applicant behind bar, therefore, I am inclined to grant bail to the present applicant on imposing stringent conditions. Hence, the following order:-

ORDER

(i) The Criminal Application is **allowed;**

(ii) The applicant/accused (Shrikant s/o Waghji Surve) be released on regular bail in connection with Crime No.170/2025 registered with Police Station Ansing, District Washim, for the offence punishable under Sections 64(2)(f),

64(1), 65(1), 351(3) of the Bharatiya Nyaya Sanhita, 2023, (BNS), read with Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012, (POCSO), on his furnishing a P.R. bond of Rs.25,000/- (Twenty Five Thousand Rupees) with one solvent surety in the like amount;

(iii) 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;

(iv) The applicant shall not enter into the vicinity of village Pardi Aasara, Tahsil and District Washim;

(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 or even trial Court *suo moto* take cognizance of this and cancel the bail;

(vii) Pending Misc. Application(s), if any, also stand disposed of.

7. The observations of this Court are *prima facie* in nature. The Trial Court shall not be influenced by the observations of this Court and the observations are restricted to this bail application only.

[M.M. NERLIKAR, J]

PIYUSH MAHAJAN