



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

CRIMINAL APPLICATION [B.A.] NO. 1192 OF 2025

Shubham S/o Vilas Aherkar

-- 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. Raghav G. Kavimandan, Advocate for the Applicant.

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

Ms. Radha Mishra, Advocate (Appointed) for the Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 30, 2026.

Heard.

2. The learned counsel for the applicant seeks permission to correct the title clause. Leave as sought is granted. Corrections be made forthwith.

3. The present application is filed seeking regular bail in Crime No.320/2025 for the offence punishable under Sections 64, 64(2)(m), 78 and 351 of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Akot (Rural), District Akola.

4. The victim has lodged the First Information Report alleging that she used to reside at her uncle's house for pursuing education in the

college. The applicant has been stalking her for past 1-1.5 years even though the victim repeatedly showed her disinclination. On 07/03/2023, the applicant gifted her a wrist watch which was accepted by the victim only on the condition that he would not follow her henceforth, at that time he clicked her photographs in his phone. On 11/12/2023, the applicant, called the victim to meet at a Net cafe on the threat that if she doesn't come he would make her photograph viral. Pursuant to the said threat, she was compelled to go to Net cafe where applicant subjected her to forceful sexual intercourse. However, he did not delete the photographs and threatened her not to disclose the incident. Again on 12/10/2024, the victim was asked to come to bus stand at 08:00 a.m. on the next morning. She was again compelled to go as he threatened to make her photographs viral. The applicant took her to one guest house where again he had forceful sexual intercourse with her. Subsequently, the victim got pregnant and when she told about it to the applicant, he stated that they would abort the child. On the pretext of abortion, the applicant married the victim. However, the victim was forced to deliver the child. Based on these allegations, First Information Report came to be registered.

5. The learned counsel appearing for the applicant submits that the victim was major at the time of incident and the relationship is an outcome of love affair. Due to the said love affair, consensual sexual relations were established. There was no blackmailing as is alleged in the First Information Report. He further submits that the F.I.R. was registered only on the basis of the directions issued by the Magistrate under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, (BNSS). He further submits that the victim and the applicant has performed marriage. Even today also the applicant is ready to cohabit with her, and therefore, he submits that the applicant be released on bail.

6. On the other hand, the learned counsel appearing for the victim as well as the learned A.P.P. submit that the offence is serious. Initially, the applicant has taken photographs with the victim, and thereafter, started blackmailing her, as a result of which, she was compelled to have sexual intercourse. They further submit that considering the entire complaint, it could be gathered that the victim has not given free consent, the consent was obtained fraudulently, i.e., by blackmailing. They further submit that time to time she was raped by the applicant and due to which she became pregnant and ultimately delivered female child. Therefore, lastly it

is submitted that considering the entire material against the applicant, the bail deserves to be rejected.

7. The learned A.P.P. further submits that the trial has already commenced and already two witnesses are examined and hardly the trial will take six months, and therefore, under such circumstances, the applicant does not deserve to be enlarged on bail.

8. I have considered the rival submissions, admittedly, the F.I.R. was registered on the basis of the private complaint filed under section 175 (3) of the BNSS. It appears that, initially, the applicant was continuously following her, and thereafter, on the victim's birthday, he has gifted one watch to her and had taken photograph with her, thereafter, from the F.I.R., it appears that, the applicant has started blackmailing her and on that account he has committed rape on multiple occasions due to which she conceived and ultimately gave birth to a female child.

9. Upon perusal of the complaint / F.I.R., admittedly, the victim is of more than 20 years. It further appears that, though the first incident was of December, 2023, however, the complaint was filed on 10/06/2025. It further appears that in the entire investigation paper, there is no material to show that the present applicant has blackmailed her. However,

on the contrary, the counsel appearing for the applicant submits that, even today also, the applicant is ready to cohabit with her. However, the learned counsel appearing for the victim submitted that, victim is not willing to cohabit with applicant. As could be gathered from the documents which are placed before me by the applicant especially the marriage certificate issued by Chandravilla Trust (Government approved), wherein it could be gathered that the applicant and the victim has performed marriage. Under such circumstances, I am inclined to grant bail.

10. 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. Hence, the following order:-

ORDER

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

(ii) The applicant/accused (Shubham S/o Vilas Aherkar) be released on regular bail in connection with Crime No.320/2025 registered with Police Station Akot (Rural), District Akola, for the offence punishable under Sections 64, 64(2)(m), 78 and 351 of the Bharatiya Nyaya Sanhita, 2023, (BNS), 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 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;

(v) 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;

(vi) Fees of the appointed counsel be quantified and paid as per laws;

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

[M.M. NERLIKAR, J]