

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

CRIMINAL APPLICATION (BA)NO. 1213/2025

(Ashok Krushnaji Bawane Vs. The State of Maharashtra & anr.)

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

Court's or Judge's orders

Mr. M. Rai, Advocate for applicant.
Mrs. M. Deshmukh, APP for non-applicant No.1/State.

CORAM: M. M. NERLIKAR, J.

DATED : 19/01/2026.

Heard the learned counsel appearing for the
applicant and the learned APP for non-applicant
No.1/State.

2. By the present application, the applicant is seeking
grant of bail in connection with Crime No.854/2025
registered with the Police Station Hinganghat, Dist.
Wardha for the offence punishable under Sections 64,
64(2)(f)(i) of Bhartiya Nyaya Sanhita, 2023 ("BNS") and 6
of Protection of Children from Sexual Offences Act.

3. The allegations of rape on minor is alleged in the
FIR. The applicant is husband of the aunt of the victim. It
appears that the FIR was registered by the victim herself
alleging that while she was residing at the house of her

aunt, the husband of the aunt has committed sexual intercourse with her multiple times, therefore, she became pregnant when she was tested in the hospital, it was found that she was carrying five months pregnancy. Based on these allegations, FIR was registered.

4. The learned counsel appearing for the applicant submits that the victim was more than 17 years of age and it was consensual. Further, the alleged offence was committed when her aunt herself was sleeping beside the applicant in the same room which seems impossible. The learned counsel appearing for the applicant also submits that the victim has given no objection before the Trial Court as well as this Court to grant bail by filing affidavit.

5. On the other hand, the learned APP vehemently opposes the present application and submits that being a minor, her consent is irrelevant. The custody of the minor was with the present applicant, therefore he has taken undue advantage of the said fact. She further submits that due to the act of the present applicant, the victim became pregnant and it was only after five months when she was tested, it was found that she was carrying pregnancy of five

months. So far the affidavit filed before the Trial Court as well as before this Court is concerned, the same appears to be involuntary amounting to tampering of witnesses by the applicant, therefore, she prays to reject the application.

6. Upon perusal of the entire investigation papers and considering the affidavit of the victim that she has no objection to grant bail and further investigation is completed and charge-sheet is filed, I am inclined to grant bail, hence following order:

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Ashok Krushnaji Bawane, be released on bail in connection with crime No.854/2025 registered with the Police Station Hinganghat, Dist. Wardha for the offence punishable under Sections 64, 64(2)(f)(i) of BNS and 6 of Protection of Children from Sexual Offences Act on his furnishing P.R. Bond of Rs. 25,000/- with one 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 concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(v) The applicant/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 entails the State to ask for cancellation of bail.

(M. M. NERLIKAR, J.)

Gohane