

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

CRIMINAL APPLICATION (BA) NO. 1317 OF 2025

Samyak Namdev Wasnik

..VS..

State of Maharashtra and anr.

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

Court's or Judge's orders

Shri D.S. Sirpurkar, Advocate for the applicant.

Ms S. Haider, APP for the State.

Shri Sanket Joshi, Advocate for non-applicant no.2. (appointed)

CORAM: M.M. NERLIKAR, J.

DATE : 17.01.2026.

Heard learned Counsel for the applicant, learned APP and learned appointed Counsel appearing for the victim.

2. By way of present application, the applicant is seeking regular bail in connection with the Crime No.225 of 2025 registered with the Ramdaspath Police Station, District Akola for the offence punishable under Sections 65(1), 74, 75 of the Bharatiya Nyaya Sanhita read with Sections 4 and 6 of the Protection of Children From Sexual Offences Act, 2012.

3. The offence was registered by the victim on 24.07.2025 alleging that she and the applicant were known to each other since from one month. They both followed each other on social media i.e. Instagram. The victim had accepted the friend request on Instagram, started calling the applicant and chatting with him from the phone of her father. It is further alleged that on 23.07.2025, the applicant called the victim at about 11:30 am since they had decided to meet on that day.

Accordingly, the applicant come to pick her up from her house around 1.30 pm. He took her to watch a movie, however, as the movie has already started, they decided not to see movie and decided to go to the house of the applicant. When they reached the house of the applicant, no one was there, and they went inside the house. The applicant started to kiss her and thereafter the applicant pushed the victim on bed and committed forcible sexual intercourse without the consent of the victim. Based on these allegations, the FIR was registered. The investigation is complete and charge-sheet has been filed.

4. Learned Counsel for the applicant submits that though the victim is of 15 years and one month of age, however, she is the consenting party. He further submits that she herself had insisted him to take her to his house, so that they could get some privacy. He has invited my attention to the screenshots of messages exchanged between the victim and the applicant. The applicant is a college going boy and he is just 21 years of age. He submits that it is a case of love affair and considering the age of applicant and as there are no criminal antecedents against him, he deserves to be enlarged on bail.

5. On the other hand, learned APP strongly objected to grant bail. She submits that the victim is just 15 years of age and the applicant in the first meeting itself has committed penetrative sexual assault. The punishment provided for the said offence is minimum 20 years of imprisonment extending to imprisonment for life. She further submits that forceful sexual intercourse

could be gathered from the medical evidence, wherein there are injury marks shown on the private part of the victim. Even the opinion is given by the Doctor that forceful penetration of vagina and sexual violence cannot be ruled out. Further it is submitted that the chats between the applicant and the victim, which are produced on record are not the part and parcel of the charge-sheet and therefore, it cannot be believed. She submits that even if the applicant is of 21 years of age, still he does not deserves to be enlarged on bail.

6. The learned appointed Counsel appearing for the victim adopted the arguments advanced by learned APP and prayed to reject the application for regular bail.

7. Upon hearing the learned Counsel appearing for the applicant, learned APP for the State and the learned appointed Counsel for non-applicant no. 2, admittedly, it appears that the victim was of 15 years and 1 month of age at the time of incident. On 23.07.2025, the applicant has taken the victim to his house and committed penetrative sexual assault. The medical evidence goes to show that there are injuries on the private part of the victim, and according to the opinion of the doctor, there was forceful penetration in vagina. However, from the entire record, it could be gathered that both are chatting on Instagram. It appears that the victim was using mobile phone of her father and was in constant contact with the applicant on Instagram. It could be further gathered that though the chats produced on record were not the part of the charge-sheet, however for grant of bail those chats can be considered, which depicts that the victim was in

love with the applicant. The victim was insisting the applicant to meet at a place, where they will get privacy and therefore the chats revealed that she has stated that “मग आपण तुझ्या घरी जाऊ”. Therefore, it could be gathered from the entire record that though the victim was of 15 years and one month of age, however she had a capacity to understand everything what she was doing.

8. As was argued by the learned Counsel for the applicant that the applicant is 21 years of age and deserves bail, for this purpose, the learned Counsel has relied upon three judgments i.e. *Avinash Ajay Benewal vs. State of Maharashtra 2025 SCC OnLine Bom 191*, *Pravesh Lalbahadur Jaiswar vs. State of Maharashtra 2020 SCC OnLine Bom 3806* and *Ramesh Thirupala Naik vs. State of Maharashtra 2018 SCC OnLine Bom 16459*. In all these matters, the victims were between 15 to 16 years of age and the applicants were either 19, 20 or 21 years of age. This Court considered the age of the applicants and released them on bail.

9. In the present matter, no doubt prima facie there is material against the applicant, which implicates the applicant for the alleged offences, however the fact remains that now the investigation is complete and charge-sheet is been filed, no purpose would be served by keeping the applicant behind the bar. By putting stringent conditions, the applicant can be released on regular bail. Hence, the following order :

- (a) The application is allowed and disposed of.
- (b) The applicant/accused Samyak Namdev Wasnik be released on regular bail in connection with

Crime No.225 of 2025 registered with the Ramdaspath Police Station, District Akola for the offence punishable under Sections 65(1), 74, 75 of the Bharatiya Nyaya Sanhita read with Sections 4 and 6 of the Protection of Children From Sexual Offences Act, 2012, on furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

- (c) 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.
- (d) The applicant/accused shall not enter into the vicinity of Shankar Nagar, Aapatapa Road, Akot File, Akola.
- (e) 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.

10. Fess of the appointed Counsel be quantified as per the Rules.

(M.M. NERLIKAR, J.)