

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

CRIMINAL APPLICATION (BA) NO.1352 OF 2025

Nagesh Devidas Tayade

..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 V.B. Bhise, Advocate for the applicant.

Shri A.A. Madiwale, APP for the State.

Ms Shubhada Phaltankar, Advocate for non-applicant no.2.
(appointed).

CORAM: M.M. NERLIKAR, J.

DATE : 21.01.2026.

Heard the learned Counsel for the applicant and
learned APP appearing for the State.

2. By way of this application, the applicant is seeking regular bail in connection with Crime No. 427 of 2025 registered with Shegaon City Police Station, District Buldana for the offence punishable under Sections 64, 64(2)(i) of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 17 and 21 of the Protection of Children From Sexual Offences, Act, 2012. The FIR has been lodged by the victim on 19.07.2025, alleging that in October 2024 she received a friend request on Instagram from the applicant, which she accepted. Thereafter, the friendship turned into a love affair and under the false promise of marriage, the present applicant has committed rape on 21.01.2025 i.e. on the birthday of the present applicant by calling the victim to Shegaon, where the accused took her on a motorcycle to a hotel in Shegaon.

3. It is alleged that the victim, who is 17 years and

6 months of age, had tested positive for pregnancy and accordingly, she insisted upon the present applicant for marriage; however, the present applicant had declined the same, stating that the said pregnancy is not by him and therefore the FIR has been registered.

4. Learned Counsel for the applicant submits that there was the love affair. The applicant is of 18 years of age whilst the victim is of 17 years and 6 month of age. It was a consensual relationship, for which the applicant solely cannot be blamed, therefore, prayed to enlarge the applicant on bail.

5. *Per contra*, learned APP and learned appointed Counsel appearing for the non-applicant no.2 oppose the present application stating the applicant has committed rape on the victim by giving false promise of marriage, from which the victim delivered a baby, which died after the birth, and therefore, there are serious allegations against the applicant and applicant does not deserve the bail.

6. I have heard the learned Counsel and learned APP appearing for the party. Admittedly, the victim is of 17 years and 6 months age whilst the applicant is of 18 years of age. It appears from the FIR that on 21.01.2025, the applicant called the victim at Shegaon on the occasion of his birthday and booked one room at a hotel and committed sexual intercourse with the victim, due to which the victim became pregnant and gave birth to a child, which died after the delivery. It appears from the FIR that there was a consensual relationship between the both, and therefore, I am of the considered opinion that

the applicant can be enlarged on bail. No purpose would be served by keeping the applicant behind the bar, as the investigation is complete and charge-sheet has been filed. Hence, the following order :

- (a) The application is allowed and disposed of.
- (b) The applicant/accused Nagesh Devidas Tayade be released on regular bail in connection with Crime No.427 of 2025 registered with the Shegaon City Police Station, District Buldhana Yavatmal 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 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.

7. Fees of the appointed Counsel be quantified as per Rules.

8. All Misc. Applications pending if any, shall also disposed of accordingly.

(M.M. NERLIKAR, J.)