



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

CRIMINAL APPLICATION [B.A.] NO. 1365 OF 2025

Abhay S/o Mukund Sahare

-- 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. A.C. Jaltare, Advocate for the Applicant.

Mr. V.A. Thakre, A.P.P. for the Non-applicant No.1/State.

Mr. S.G. Deshpande, Advocate for the Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 30, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.73/2025 for the offence punishable under Section 64(2)(i) of the Bharatiya Nyaya Sanhita, 2023, (BNS), and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, (POCSO), registered with Police Station Purada, District Gadchiroli.

3. On 25/07/2025, the minor victim, aged about 16 years, residing at Taluka Armori, District Gadchiroli, and presently studying in Class XI at the Adivasi Ashram School, Mangrul, Taluka Umred, was taken for routine medical examination, during which her pregnancy was confirmed. Upon inquiry by the

police, the victim stated that she used to visit the house of her relative residing adjacent to her house during summer vacation after completion of her Class X examination. One day when her aunt was not in the house the applicant came to her aunt's house to ask for money. When she said that her aunt is not at home, he came and sat in the house at that time she was alone as her younger sister had gone home to eat lunch. When the victim also started going home for lunch, the applicant forcefully took the victim in kitchen and committed rape on her. He further asked her not to disclose the incident and gave Rs.1,000/- which she refused. However, she got frightened and did not inform about the incident. Based on this information, F.I.R. came to be registered.

4. The learned counsel appearing for the applicant submits that the victim was aged 16 years at the time of incident and it was a consensual act. He further submits that when she was admitted in Adivasi Ashram Shikshan School, at that time before admission, medical test was conducted, wherein it was found that the victim was pregnant, and accordingly, the School Authority has informed the police, and thereupon enquiry was made, wherein she has disclosed that the present applicant has committed sexual intercourse with her. Accordingly, F.I.R. was registered.

5. The learned counsel appearing for the applicant further submits that no force was used. On the contrary, it was a consensual act. He further submits that the victim is of 16 years of age and the applicant is of 20 years of age. The relationship developed between them was out of love affair. Considering the material on record, it is very difficult to say that the applicant has committed rape on the victim, and therefore, he submits that he may be granted bail. He further submits that the applicant is in jail since 30th July, 2025 and as investigation is over, charge-sheet is filed no purpose would be served by keeping the applicant behind bar.

6. On the other hand, the learned A.P.P. opposes the application by submitting that the victim is residing in remote and tribal area. At the time of her admission in the Ashram School, it was noticed during her medical examination that she was pregnant, and accordingly, the Police enquired with her, and she disclosed the name of the present applicant. He further submits that the applicant is tractor driver and when he has gone to the house of victim's aunt to collect amount for the work done in the field, at that time, he found that the victim was alone, and accordingly, he has committed rape. He further submits that considering the age of the victim, the present applicant does not deserve bail.

7. The counsel appearing for the non-applicant No.2 – victim by filing affidavit-in-reply submits that the victim has no objection to grant bail. There was misunderstanding due to which allegations were made, and therefore, he submits that the bail application may be allowed.

8. I have heard the learned counsel for the applicant and the learned counsel for the respondent. Admittedly, the victim is of 16 years of age and the applicant is of 20 years of age. It is alleged that the applicant had forceful sexual intercourse with the victim. However, it could be gathered that she did not disclose the incident to anyone immediately, however, for the first time on 25/07/2025, when her medical examination was conducted at the time of taking admission in Adivasi Ashram School it was found that she was pregnant. Therefore, considering the nature of allegations and further the victim has no objection to grant bail, I am inclined to grant bail.

9. 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 (Abhay S/o Mukund Sahare) be released on regular bail in connection with Crime No.73/2025 registered with Police Station Purada, District Gadchiroli, for the offence punishable under Section 64(2) (i) of the Bharatiya Nyaya Sanhita, 2023, (BNS), and Sections 4 and 6 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 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) Pending Misc. Application(s), if any, also stand disposed of.

PIYUSH MAHAJAN

[M.M. NERLIKAR, J]