

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

CRIMINAL APPLICATION (BA) NO. 1412/2025

(Suraj S/o Ramchandra Randhaye Vs. 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. A.C. Jaltare, Advocate with Mr. Y.P. Bage, Advocate for
 applicant.
 Ms. S. Haider, APP for non-applicant No.1/State.
 Ms. Pooja S. Sarode, Advocate (appointed) for non-applicant No.2.

CORAM: M. M. NERLIKAR, J.

DATED : 11/02/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.46/2025 registered with Police Station Sindewahi, Dist. Chandrapur for the offences punishable under Sections 137(2), 64(2)(m), 65(1) of the Bhartiya Nyay Sanhita, 2023 and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Brief facts of the prosecution story is that on 14.02.2025, when the informant returned home, her daughter was not present at home. Despite searching, the victim could not be traced. The elder brother of the victim came to know that the victim was last seen on the motorcycle of the applicant. On the said information, the

mother of the victim lodged FIR against the applicant for kidnapping.

4. The learned counsel appearing for applicant submits that the victim is of 13 years of age and the present applicant is of 24 years of age and the victim and the present applicant are having love affair. He submits that only once there was sexual intercourse between the couple. However, thereafter on 14.02.2025, they ran away together and stayed at the house of the sister of the present applicant. When they learned that the mother of the victim has registered the FIR for kidnapping, he immediately went to the Police Station. However, before reaching the police station, the police nabbed him along with the victim. He submits that on her own accord the victim has come with the present applicant and the act of sexual intercourse was consensual. As the applicant is behind bar since 16.02.2025, the investigation is over and charge sheet is filed, therefore the applicant be released on bail.

5. On the other hand, the learned APP and the learned counsel for non-applicant No.2- victim submit that

the victim being of 13 years of age, is not in dispute. They submit that consent of the minor is no consent in the eye of law, therefore even though she has consented to the sexual act, still her consent is immaterial. They also invited my attention to the medical certificate, it mentions old healed hymen tear. They further submit that considering the tender age of the victim, the applicant does not deserve for bail.

6. I have considered the rival submissions. It appears from the statement of the victim that both are having love affair. It further appears that on 02.12.2024 at about 02:00 p.m., when the victim was returning from the school for the purpose of lunch, at that time, the applicant went to the house of the victim and both had sexual intercourse. Thereafter, on 14.02.2025, both of them left together and resided at the house of the sister of the applicant. However, it further appears that as soon as the applicant came to know about the registration of the FIR, he intended to surrender before the police and while on his way, he was nabbed by the police. It is a settled law that the victim is minor, her consent is immaterial.. However, considering the fact that the applicant is in jail since

16.02.2025, investigation is complete and charge sheet is filed, he can be released on bail by imposing certain conditions. Hence, the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Suraj S/o Ramchandra Randhaye be released on bail in connection with Crime No.46/2025 registered with Police Station Sindewahi, Dist. Chandrapur for the offences punishable under Sections 137(2), 64(2)(m), 65(1) of the Bhartiya Nyay Sanhita, 2023 and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012 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.

(vi) The applicant/accused shall not enter into the village Palasgaon Jat, Tah. Sindewahi, Dist. Chandrapur till concluding of trial.

(vii) Fees of the appointed counsel be quantified and paid as per Rules.

(M. M. NERLIKAR, J.)

Gohane