



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

CRIMINAL APPLICATION [B.A.] NO. 1434 OF 2025

Mukul @ Mukesh s/o Rajendra Kalambhe

-- VERSUS --

The 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.S. Band, Advocate for the Applicant.

Mr. A.R. Chutke, A.P.P. for the Non-applicant No.1/State.

Ms. Dipti R. Bhoyar, Advocate for the Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 19, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.398/2025 for the offence punishable under Sections 64(2)(i), 64(2)(m), 65(1) and 333 of the Bharatiya Nyaya Sanhita, 2023, (BNS), read with Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, (POCSO), registered with Police Station Jalalkheda, District Nagpur (Rural).

3. The victim who is aged about 13 years and 4 months has registered the F.I.R. alleging that, on 20/07/2025, the present applicant has committed penetrative sexual assault on her by entering into her house. It is further alleged that, on 24/08/2025,

again he has committed penetrative sexual assault. At the time of second incident, the mother arrived, and therefore, the victim ran towards her mother stating that the present applicant has committed penetrative sexual assault on her and he was hiding himself in the room. Accordingly, mother caught hold of him, however, he ran away from the house. Based on these allegations, F.I.R. came to be registered.

4. The learned counsel appearing for the applicant submits that this is a consensual relationship. The age of the boy is 19 years and nothing is to be recovered from him. He further submits that, now the investigation is complete, charge-sheet is filed, and therefore, applicant deserves to be enlarged on bail. No purpose would be served by keeping the applicant behind bar.

5. On the other hand, the learned A.P.P. and the learned counsel appearing for the victim vehemently submit that the girl is aged just 13 years and 4 months, her consent is irrelevant. They further submit that it cannot be said to be a consensual sexual intercourse. It is a forceful penetrative sexual assault on the victim, who is a minor. They further submit that considering the age of victim and considering the fact that it is a forceful act, the applicant does not deserve bail. Merely, filing of charge-sheet would be of no use, considering the

gravity of the offence, and therefore, lastly it is submitted to reject the application.

6. Upon hearing the learned counsel for the applicant, learned A.P.P. and the learned counsel for the victim, it appears that F.I.R. was registered on the basis of statement recorded by the victim. Admittedly, when the incident occurred, the victim was of 13 years and 4 months of age. It further appears that the applicant was of 19 years of age. When the first incident took place on 20/07/2025, it appears that the applicant went to the house of the victim and committed sexual assault on her. However, it further appears that she had not disclosed this fact to anyone. Further, it appears from the incident dated 24/08/2025, that during sexual intercourse, the mother of the victim arrived and she had noticed this act and there upon the victim has registered the F.I.R. No doubt, the victim is of 13 years and 4 months, however, similarly it is necessary to take into consideration the age of the applicant also. Considering, the fact that the applicant is aged about 19 years and the fact that the investigation is complete and charge-sheet is filed, I am inclined to grant bail.

7. 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 (Mukul @ Mukesh S/o Rajendra Kalambhe) be released on regular bail in connection with Crime No.398/2025 registered with Jalalkheda Police Station, District Nagpur (Rural), for the offence punishable under Sections 64(2)(i), 64(2)(m), 65(1) and 333 of the Bharatiya Nyaya Sanhita, 2023, (BNS), read with 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/- 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 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) The applicant shall not reside within the vicinity where the victim is residing;

(vii) The applicant shall not directly or indirectly try to contact with the victim;

(viii) Pending Misc. Applications, if any, also stands disposed of.

[M.M. NERLIKAR, J]