



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

CRIMINAL APPEAL NO. 22/2026

Jamnalal S/o Devilal Gadwal Vs. State of Maharashtra and Anr.

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

Court's or Judge's order

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Mr. P. S.Jaiswal, Advocate for the Appellant.
Ms. S.S.Dhote, APP for Respondent no.1/State.
Ms. Preeti S.Gwalani, Advocate (Appointed) for Respondent No.2.

CORAM : NEERAJ P. DHOTE, J.
DATED : 06.03.2026

1. **Admit.**
2. This is an Appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'SC and ST Act') as the Regular Bail Application of the Appellant filed before the Trial Court came to be rejected by order dated 3rd November, 2025. The Appellant is one of the Accused in Crime No.368/2025 registered with the Wathoda Police Station, District Nagpur, for offences punishable under Sections 137(2), 87, 64(2), 143(4), 3 (5) of the Bharatiya Nyaya Sanhita 2023 (for short, "BNS"), under Sections 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act') and under Sections 3(1)(w)(i)(ii), 3(2) (v) & 3(2)(va) of the SC and ST Act and under Section 10 of the Prohibition of Child Marriage Act, 2006.
3. Heard the learned Advocate for the Appellant, Learned A.P.P. for the State and learned Advocate for respondent No.2. With their assistance, perused the papers on the record.
4. The prosecution's case as mentioned in the impugned order is reproduced below:-

“FIR dated 27/07/2025 alleges that, victim, aged about 17 years belongs to 'Mahar', a Scheduled caste. Accused No.1 Roma Patil and victim were knowing to each other from last 5 to 6 years. The accused No.1 told the victim whether she would do work. The victim enquired with her the nature of work, then she told her that she would require to reside for five days for which she would get money. The Accused No.1 brought the victim at hospital Bhavani, there she introduced her to the accused No.2 Jamnalal, accused No.3 Sachin and wife of accused No.2. Said accused told the victim that her marriage would be solemnized at Rajasthan, where she would require to reside with the bridegroom for five days and in return, she would get a lot of money. The victim told them that she is a minor and belongs to Mahar caste, then they replied that it would not make any difference. Thereafter, accused No.5. Golu and his father came there. On 21-07-2025, the accused No.2, his wife, accused No.5 Golu, his father, and accused No.7 Rahul brought the victim at Rajasthan. On 22-07-2025 they solemnized the marriage of victim with accused No.5 Golu by exchanging garlands. Thereafter, accused No.2, his wife went away from there. Accused No.5 Golu committed sexual intercourse with the victim for several times. The victim called his friend Firoz, then the mother of victim came there. The mother of victim brought the police, thereafter only the victim was rescued. The mother of victim reported the incident to Wathoda police

station, consequently, the Crime No.368/2025, came to be registered against the accused”.

5. The above referred Crime is registered on the report lodged by mother of the Victim. The Victim's age is shown as 17 years. The Statement of the Victim show that on 20th July, 2025, she was lured with handsome returns by the Co-Accused and she was asked to come at the particular spot on the next date. Accordingly, the Victim reached there and she along with others boarded the vehicle in which the Appellant was present. They all went to the Rajasthan, where the Victim was married to the Co-Accused. The Victim's statement indicate that, she did not give the real reason to her mother while leaving the house. Except the allegations that, the Appellant was also present in the Jeep, the only role attributed to the Appellant as seen from the Victim's statement is that, the Appellant was one of the members in the jeep in which the Victim travelled to Rajasthan. The investigation is complete and the Charge-sheet is submitted. As regards the antecedent that, four similar Crimes were registered against the Appellant with different Police Stations, the papers show that the Appellant is acquitted in one of the said Crimes. In the light of these facts of the case, the applicant can be enlarged on bail by imposing appropriate conditions. Hence, the following order:-

ORDER

- a] The Appeal is allowed.
- b] The impugned order dated 3rd November, 2025 passed by the learned Additional Sessions Judge-13 and Special Judge, is hereby quashed and set aside.
- c] The Appellant – Jamnalal s/o Devilal Gadwal shall be released on bail in connection with Crime

No.368/2025 for the offences punishable under Sections 137(2), 87, 64(2), 143(4), 3(5) of the Bharatiya Nyaya Sanhita, 2023 under Sections 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 3(1) (w) (i) (ii), 3(2)(v) & 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 10 of the Prohibition of Child Marriage Act, 2006 on executing P.R. Bond of Rs.Fifty thousand) (Rs.50,000/-) with one or two sureties in the like amount.

- d] The Appellant shall not in any way tamper with the prosecution evidence.
- e] The Appellant shall attend the concerned Police Station once in a month on the last Monday of every month between 5.00 p.m. to 6.00 p.m.,until further orders.
- f] The Appellant shall co-operate with the learned Trial Court in the expeditious disposal of the case.
- g] The fees of the appointed Advocate for the respondent No.2 – Victim is quantified at Rs.7500/-.

The Criminal Appeal is disposed of.

(NEERAJ P. DHOTE, J.)