



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

CRIMINAL APPLICATION [B.A.] NO. 97 OF 2026

Dhanraj Divakar @ Dilip Gayakwad

-- 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. S.S. Sheikh, Advocate for the Applicant.

Ms. S.Z. Haider, A.P.P. for the Non-applicant No.1/State.

Mr. Yash Rajiv Gyanchandani, Advocate (appointed) for the
Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 18, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.144/2024 for the offence punishable under Sections 363, 376, 376(2)(N), 376(3), 366 of the Indian Penal Code, 1860, IPC, and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, registered with Police Station Digras, District Yavatmal.

3. Initially, on 17/03/2024, the offence under Section 363 IPC was registered by the father of the victim alleging that his minor daughter was kidnapped by the present applicant, however, on 28/10/2025, victim was found, and thereafter, the offence under Sections 363, 376, 376(2)(N), 376(3),

366 of the Indian Penal Code, 1860, IPC, and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, were added.

4. The learned counsel appearing for the applicant submits that the applicant and the victim was having love affair and they fled away. At the relevant time, the victim was of 15 years and 8 months, however, now she is more than 17 years of age. He further submits that they have resided together for a considerable period and between that period there was harassment at the hands of the applicant. Now the matter has been settled between the parties as the victim is pregnant, therefore, he submits that the applicant deserves to be enlarged on bail.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that when the victim fled away along with the applicant, at that time, she was just 15 years and 8 months, and the applicant had sexual intercourse with her when she was minor. Thereafter, further offences are added. Therefore, she submits that considering the fact that the victim is minor, her consent is irrelevant, and therefore, prayed to reject the bail. The learned counsel appearing for the Non-applicant No.2 has adopted the arguments of the learned A.P.P.

6. Upon considering the fact that in the year 2023, when the F.I.R was registered, at the relevant time, the victim was of 15 years and 8 months. Admittedly, they have lived together for a considerable time and today the victim is pregnant. It further appears that the victim herself has filed reply before the trial Court and given no objection to release the applicant on bail. The learned counsel has placed on record the said reply filed by the victim, which is marked Exh.-X for identification. As they both lived together for a considerable period, i.e., more than one year and now the victim is pregnant. It appears that, now the victim is of more than 17 years of age. Considering that the applicant is of 21 years of age and the fact that the investigation is over and charge-sheet is filed, I am inclined to grant bail to the present applicant on imposing stringent conditions. Hence, the following order:-

ORDER

(i) The Criminal Application is **allowed;**

(ii) The applicant/accused (Dhanraj Divakar @ Dilip Gayakwad) be released on regular bail in connection with Crime No.144/2024 registered with Police Station Digras, District Yavatmal, for the offence punishable under Sections 363, 376, 376(2)(N),

376(3), 366 of the Indian Penal Code, 1860, IPC, and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, 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 or even trial Court *suo moto* take cognizance of this and cancel the bail;

(vi) Fees of the appointed counsel be quantified and paid as per rules;

(viii) Pending Misc. Application(s), if any, also stand disposed of.

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.

[M.M. NERLIKAR, J]

PIYUSH MAHAJAN