



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

CRIMINAL APPLICATION [B.A.] NO. 113 OF 2026

Vinod s/o Ghanshyam Patrikar

-- 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. Yash Abhay Kullarwar, Advocate (appointed) for the Applicant.

Mr. A.G. Mate, A.P.P. for the Non-applicant No.1/State.

Ms. Bhavya C. Dhruv, Advocate (appointed) for the Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 23, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.342/2024 for the offence punishable under Sections 376(2)(J) and 376(2)(N) of the Indian Penal Code, 1860, (IPC), read with Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, (POCSO), registered with Police Station Armori, District Gadchiroli.

3. As per the First Information Report lodged by the mother of victim, the prosecutrix is a minor girl. It is alleged that the victim and the applicant were apprehended at Ballarshah Railway Station. The victim was taken into confidence and

she revealed that she came in contact with the accused, Vinod Ghanshyam Patrikar, whom she connected via Instagram around a year prior to the incident. She alleged that in March, 2024, the accused met her near the Shiv Mandir in their village and made sexual advances, which she initially resisted. Subsequently, on 27/03/2024 and on a few other occasions in April, 2024, the accused allegedly coerced her into having sexual intercourse. Following this, the prosecutrix experienced menstrual irregularities and other health issues. On 23/10/2024, a pregnancy test conducted at home revealed that she was pregnant. The prosecutrix stated that she did not disclose the same earlier due to fear of the accused and apprehension regarding her father's reaction. On the basis of her statement, recorded in the presence of her mother and police officials, the present F.I.R. was registered against the accused for the alleged offences.

4. The learned counsel appearing for the applicant submits the applicant is 20 years of age and the victim is more than 14 years of age. They used to talk on Instagram, and thereafter, they started meeting each other. He further submits that after some time they used to meet behind Mahadev temple and both had sexual intercourse with each other. He invited my attention to the statement of the victim,

wherein she had disclosed that the applicant and the victim had sexual intercourse on multiple occasions, due to which she conceived pregnancy and this fact was disclosed to the applicant. As the applicant was working in Kanyakumari they decided to run away from the house, and accordingly, they went to Balharshah Railway Station. According to applicant, when they were at Balharshah, the mother intimated the police, and accordingly, the couple was taken into custody.

5. According to the learned counsel appearing for the applicant, though the victim is minor, however, she is of understandable age. According to the applicant, the applicant is also 20 years of age, and therefore, considering this fact and the fact that the applicant is in jail since 24/10/2024, and also the fact that the investigation is over, charge-sheet is filed, the applicant be released on bail.

6. On the other hand, the learned A.P.P. and the learned counsel appearing for the victim vehemently opposes the application and submit that the trial has now commenced. They submit that the victim and the mother were examined. According to them, the consent of the minor is no consent in the eyes of law. The victim is just 14 years of age. Merely because the applicant is 20 years of age, that by itself,

is not sufficient to enlarge the applicant on bail. There is sufficient material against the applicant. They further submit that as there are serious allegations against the applicant he may not be enlarged on bail, as the trial would be concluded very soon.

7. Upon hearing the learned counsel for the applicant, the learned A.P.P., and the learned counsel for the victim, admittedly, the report was lodged by the mother of the victim after the applicant and the victim were apprehended at Balharshah Railway Station. They were brought to the Police Station, and thereafter, a disclosure was made by the victim to her mother that the applicant had sexual intercourse with her on multiple occasions, due to which, she became pregnant, however, the applicant intended to marry her, and therefore, she decided to run away from the house along with the applicant. Admittedly, it appears that, when they were apprehended, they were at Railway Station, therefore, one thing is clear, that the relations which are developed between the couple are out of love affair. No doubt, the consent of a minor is no consent in the eyes of law, however, considering the fact that the applicant is 20 years of age, and the fact that the evidence of victim as well as the mother is already over, 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 (Vinod S/o Ghanshyam Patrikar) be released on regular bail in connection with Crime No.342/2024 for the offence punishable under Sections 376(2)(J) and 376(2)(N) of the Indian Penal Code, 1860, (IPC), read with Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, (POCSO), registered with Police Station Armori, District Gadchiroli, 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;

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

8. 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]