



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

CRIMINAL APPLICATION [B.A.] NO. 117 OF 2026

Raj @ Swaraj Swadesh Wahurwagh

-- 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. A.V. Karnavat, Advocate a/w. Mr. A.Hiwrale, Advocate for the Applicant.

Ms. P.C. Bawankule, A.P.P. for the Non-applicant No.1/State.

Mr. D.D. Chouragade, Advocate for the Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 17, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.257/2025 for the offences punishable under Sections 74, 78, 351(2)(3) and 115(2), of the Bharatiya Nyaya Sanhita, 2023, (BNS) and under Section 8 of the Protection of Children from Sexual Offences Act, 2012, registered with Police Station Civil Lines, District Akola.

3. The victim has lodged the First Information Report alleging that the present applicant, Swaraj Wahurwagh, used to harass and threaten her. On 22/07/2025 around 02:30 p.m. when she went to a temple located in a park in her neighborhood, Swaraj Wahurwagh came and asked

her to accompany him, and when she refused, he slapped her. Thereafter, she went home and narrated the incident to her parents based on which the present First Information Report came to be lodged.

4. The learned counsel appearing for the applicant submits that the allegations against him are that the applicant is stalking the victim who is aged about 15 years and studying in 10th Standard. He submits that maximum punishment provided is 5 years. According to him, the applicant is behind bar since 23/07/2025, i.e., more than six months. According to him, though there are allegations of stalking, however, the age of the applicant is just 18 years, and therefore, if he languishes in jail for indefinite period, it would ultimately be against his interest, as well as his career, and therefore, he submits that he may be granted bail.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that the application may not be entertained at present as the victim is in 10th standard and the examination is likely to commence within one or two days. According to her, the allegations are serious in nature and release of the applicant would adversely impact the victim. She submits that though the offence alleged is punishable with imprisonment of up to 5 years, however, that by itself, is not the criteria to

grant bail to the applicant, and therefore, requested to reject the application. The same argument was adopted by the counsel appearing for the non-applicant No.2.

6. Upon perusal of the F.I.R., it appears that, the victim is of 15 years of age and studying in 10th standard. It further appears that the applicant was insisting her to call him on his mobile phone. Further, the applicant was also following her. Even on 22/07/2025, at about 02:30 p.m., when victim has requested him not to harass her, however, he has held the hands of the victim and slapped her twice. Still the fact remains that the applicant is 18 years of age and is pursuing his studies. Considering the fact that the maximum punishment provided for the alleged offence is 5 years and the fact that the investigation is over, charge-sheet is filed, and the applicant is behind bar since 23/07/2025, 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 (Raj @ Swaraj Swadesh Wahurwagh) be released on regular bail in connection with Crime No.257/2025 registered with Police Station Civil

Lines, District Akola, for the offence punishable under Sections 74, 78, 351(2)(3) and 115(2), of the Bharatiya Nyaya Sanhita, 2023, (BNS) and under Section 8 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 applicant shall not enter within the territorial jurisdiction of Akola city for two months from today;

(iv) 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;

(v) 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;

(vi) 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;

(vii) The trial Court is requested to give date in the trial after two months, as the examination of the victim will start soon and is likely to continue for approximately one month;

(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]