



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

CRIMINAL APPLICATION [B.A.] NO. 122 OF 2026

Sachin S/o Gajanan Gomase

-- 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.

Ms. Rohini Pande, Advocate a/w. Mr. S.V. Sirpurkar, Advocate
for the Applicant.

Mr. V.A. Thakre, A.P.P. for the Non-applicant No.1/State.

Ms. Ragini Swami, Advocate (appointed) for the Non-
applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 24, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.169/2025 for the offence punishable under Sections 64, 64(2)(i), 65(1), and 351(2) of the Bharatiya Nyaya Sanhita, 2023, (BNS), Sections 4, 6, 8 and 10 of the Prevention of Children from Sexual Offences Act, 2012, (POCSO), registered with Police Station Akot (Rural), District Akola.

3. As per the First Information Report, the informant, Smt. Shital Ganesh Bhadang, reported that on 09/11/2024, when her daughter victim, aged about 13 years, was alone at home, accused Sachin Gajanan Gomase, neighbor, came to their house, and

allegedly committed sexual intercourse with her daughter by restraining her and threatening her with death if she disclosed about the incident. The informant further stated that due to the threat, the incident was not reported earlier, however, on 05/04/2025, it was discovered that her daughter was pregnant as a result of the said act. On the basis of this report, a crime has been registered against the accused, and investigation has been initiated.

4. The learned counsel for the applicant submits that the F.I.R was registered by the mother of the victim, wherein she has alleged that on 03/04/2025, it was disclosed to her by the victim that on 09/11/2024 at about 12:30 p.m., the applicant had come to their house and committed sexual intercourse with the victim. Thereafter, it was noticed that she is pregnant, and thereafter, on 06/04/2025, F.I.R. was registered. The learned counsel further submits the DNA report falsify the story of the prosecution as it was found that the present applicant is excluded to be the biological father of foetus. Therefore, he submits that the applicant is in jail since 06/04/2025, and he be released on bail.

5. On the other hand, the learned A.P.P as well as the learned counsel appearing for the victim vehemently opposes the application and submitted

that merely because there is a negative DNA report, that by itself, is not sufficient to release the applicant on bail. They further submit that in the First Information Report the role of the present applicant is disclosed, so also, the statement of the victim goes to show that the present applicant has committed forceful sexual intercourse with the victim who is just 13 years and 4 months. It is their contention that the opinion of the DNA cannot override the ocular statement of the victim. Even if it is presumed that the present applicant is not the biological father, still the version of the victim cannot be ignored. They further submit that the trial has already begun, however, the Court was waiting for the DNA report. Already two witnesses are examined and the cross-examination of 3rd witness is going on, and therefore, they submit that the applicant may not be released on bail.

6. Admittedly, the applicant is of 22 years of age and the victim is of 13 years and 4 months. It further appears that there are allegations against the applicant in respect of sexual intercourse with a minor girl. Now the DNA report is on record which states that the applicant is excluded to be the biological father of the foetus. However, it is to be noted that the applicant is of 22 years of age and he is a student. Considering this, and as the investigation

is over and charge-sheet is filed and no purpose would be served by keeping the applicant behind bar, though the trial has commenced, 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 (Sachin S/o Gajanan Gomase) be released on regular bail in connection with Crime No.169/2025 for the offence punishable under Sections 64, 64(2) (i), 65(1), and 351(2) of the Bharatiya Nyaya Sanhita, 2023, (BNS), Sections 4, 6, 8 and 10 of the Prevention of Children from Sexual Offences Act, 2012, (POCSO), registered with Police Station Akot (Rural), District Akola, 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 applicant shall not enter into the vicinity of Mundgaon, Tq. Akot, District Akola;

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

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

[M.M. NERLIKAR, J]