

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

CRIMINAL APPLICATION (BA) NO. 236/2026

(Mahesh Gulabrao Ingale Vs. The State of Maharashtra & anr.)

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

Court's or Judge's orders

Mr. S.V. Sirpurkar, Advocate for applicant.
 Mr. V.A. Thakare, APP for non-applicant/State.
 Ms. Sakshi Pathak, Advocate (appointed) for victim/non-applicant
 No.2.

CORAM: M. M. NERLIKAR, J.

DATED : 23/03/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.494/2025 registered with Police Station Jalgaon Jamod, Dist. Buldhana for the offence punishable under Sections 137(2), 64(1), 65(1), 351(2), 64(2)(i), 87, 127(2) of the Bharatiya Nyaya Sanhita and Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act.

3. The prosecution story in a nutshell is that, the victim aged 15 years has lodged a report on 25/10/2025 alleging that on 29/08/2025 around 09:00 a.m., the victim was going to her school at Pimpalgaon Kale and at that time, the applicant who was familiar with her took her to

the house of his grandmother. It is alleged that, the applicant has established forcible physical relations with her and threatened her not to disclose the incident to anybody otherwise he would defame her. On the basis of such allegations, the report was lodged.

4. The learned counsel for the applicant submits that the applicant is of 21 years of age and the victim is 15 years and 8 months old. He submits that there is an ongoing love affair between the couple and the parents insisted on lodging the report. There was no sexual intercourse between them as even the medical report shows that the hymen is intact. The provisional opinion was given by the Doctor that the penetration has not occurred as there is no injury on body and perineum hymen therefore he submits that considering all the allegations, the applicant deserves to be granted bail.

5. On the other hand, the learned APP and the learned counsel appearing for the victim have invited my attention to the allegations in the first information report. They submits that the consent of the minor victim is no consent in the eye of law. According to them, there are

incidents of sexual intercourse as stated in the first information report lodged by the minor victim herself. They submits that even in the medical history, she has narrated that the last sexual intercourse was 58 days prior. No doubt the applicant is 21 years of age, however, considering that he is a major and a heinous offence is committed against minor, he may not be released on bail.

6. I have considered the rival submissions, gone through the first information report and the report of investigation annexed to the charge sheet. It appears from the record that the applicant is of 21 years of age. In the first information report, it is alleged that the applicant took the victim to his house as there was nobody in the house and he has committed sexual intercourse with her. As a result of the medical report wherein the victim has given history, it appears that they were acquainted and talking with each other on Instagram. They have also taken photographs with each other. It is further stated that they had sexual intercourse with each other. Further part of the medical examination report shows that hymen is intact and further the provisional medical opinion shows that no penetration had occurred.

7. Considering all the above factors and the fact that the applicant is just 21 years of age, the entire career of the application will be spoiled, if he is not granted bail. The applicant is behind bars since 25/10/2025. The investigation is complete and charge sheet is filed, by imposing stringent conditions, the applicant can be released on bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Mahesh Gulabrao Ingale be released on regular bail in connection with Crime No.494/2025 registered with Police Station Jalgaon Jamod, Dist. Buldhana for the offence punishable under Sections 137(2), 64(1), 65(1), 351(2), 64(2)(i), 87, 127(2) of the Bharatiya Nyaya Sanhita and Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act on his furnishing P.R. Bond of Rs. 25,000/- with one 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 the concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(v) The applicant/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.

(vi) The applicant/accused shall not enter the village, where the victim resides.

(vii) The fees for the appointed learned counsel be quantified and paid as per Rules.

(M. M. NERLIKAR, J.)