



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

Criminal Application (BA) No.292/2026

Karan Najukrao Athawale (In Jail)

Vs.

State of Maharashtra and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Syed Salman Ali, Advocate for applicant.
Mr. A.G.Mate, A. P. P. for non-applicant no.1.
Mr. Anshuman Sambre, Advocate (Appointed) for the Victim.

CORAM: M. M.NERLIKAR, J.

DATE : 01/04/2026.

1. Heard Mr. Syed Salman Ali, learned counsel for the applicant, Mr. A.G.Mate, learned APP for non-applicant no.1 and Mr. Anshuman Sambre, learned counsel for the non-applicant no.2-Victim.
2. On the information given by the Victim, the Police Station Officer of Police Station Akot File, Akola had registered Crime No.464/2025 on 16.10.2025 for the offences punishable under Sections 115(2), 352, 351 (2) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 5 (l)(n), 6, 8, 9 (l) (n) 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 75 of the Juvenile Justice Act.
3. The Victim has alleged that the applicant has committed intercourse against order of nature with him on multiple occasions, the last being on 29.1.2025 on the basis of this FIR was lodged.
4. The learned counsel for the applicant submits that, the applicant was of 20 years of age and the Victim was a child of

more than 15 years at the relevant time. He submits that the alleged incident took place on 29.9.2025, however, the FIR was registered on 16.10.2025 i.e. almost after 15 days. He further submits that there are no injuries on the Victim, which could be gathered from the medical evidence and considering the age of the applicant, he be released on bail. He has invited my attention to the order passed by this Court in the case of ***Shubham Suresh Thorat Vs. The State of Maharashtra*** passed in Criminal Bail Application (St.) No.3242/2020 on 22.12.2020, wherein in identical set of facts, this Court has released the applicant therein on bail by considering the age of the applicant and therefore, he submits that the present applicant is also standing on the same footing and the same yardstick be made applicable by releasing the applicant on bail.

5. On the other hand, the learned APP for non-applicant no.1 and the learned counsel for the non-applicant no.2-Victim vehemently oppose the application and submit that the allegations are serious in nature and he was subjected to sexual assault multiple times. They further submit that the punishment provided for the alleged offences is 20 years to life imprisonment. Though the applicant is of 20 years of age, however, his act cannot absolve him from such a serious act. They further submitted that there is ample evidence in the nature of medical examination as well as statements of the independent witnesses to whom the Victim has narrated the entire incident. Considering the serious nature of allegations, the observations on which the applicant has relied on cannot be made applicable since in that case only one incident of sexual assault is narrated, however, in the present case there are multiple instances of sexual assault and, therefore, they

submit that considering the seriousness of the crime, the applicant may not be released on bail.

6. I have considered the rival submissions.

7. No doubt, after perusal of the First Information Report and other material placed before me, it appears that the applicant is 20 years of age, the Victim is of more than 15 years of age and studying in 10th standard. It further appears that the applicant is the close relative of Victim. It further appears that the Victim is taking education by staying at the house of his aunt and the applicant is aunt's neighbour. Further it appears that it is the case of forceful intercourse on multiple occasions against the order of nature. Perusal of the medical evidence shows that there are no injuries on the private part of the Victim. It further appears from the record that the Victim has disclosed this fact only after there was awareness camp organized in the school about such incidents and accordingly, Victim has contacted one of the social workers who visited the School at the relevant time and he disclosed about the commission of the offence by the applicant and accordingly the First Information Report was registered. It appears from the First Information Report that undisputably the allegations are serious in nature.

8. While considering identical situation, this Court in the case of ***Shubham Suresh Thorat*** (supra) has observed as under:-

“8. What makes a young boy turn to crime is a matter of indepth study. Factors like peer pressure, poor education, poor socio-economic status and neglectful childhood may be some factors. Though no crime can be justified on the ground that the circumstances around him makes a person criminal since punishment

is the coercion used to enforce the law and it is one of the pillars of modern civilization. Providing a peaceful society life is the duty of a State. Lack of punishment causes the law to lose its face and may result in a lawless society. However the reformative approach to curb crimes and reform the convicts has come up in order to protect the basic rights, a human is entitled to. Across the globe, rehabilitation seeks to bring about fundamental changes in offenders and their behaviour. It generally works through education and psychological transformation to reduce the likelihood of future criminality. The purpose of the reformative theory also known as rehabilitative sentencing is to reform the offender as a person so that he may become a normal law abiding member of the community once again.

The theory of reformation, which is invoked at times on the global front, is not the one which should only be tested at the time when a person is convicted, at the time of commuting of sentence.

Here is a young boy aged 20 years, who is already in conflict with law and as the learned counsel has argued, his long incarceration may turn him into a hardened criminal and the apprehension cannot be said to unfounded. However, at the same time for commission of the alleged acts which are legally prohibited, he will have to be punished.

9. *The Applicant is barely 20 years old and deserves a chance for reformation though the offence with which he is charged cannot be wiped out and, on conviction, he should suffer the penalty prescribed.*

However, he deserves one chance of being out of prison to face the trial but also to start his life afresh awaiting his trial. This opportunity will determine whether he repents over his past alleged conduct or whether he continues to follow his antecedents”.

9. Considering the age of the applicant, the applicant deserves to be released on bail. This bail would be coupled with an additional stipulation that the applicant to undergo counselling at the hands of Clinical Psychologists and this should be catered to by the Government Hospital at Akola. The Dean/Civil Surgeon of the Government Hospital at Akola is requested to open a file in the name of the Applicant with the Government Hospital and entrust the Applicant to a Clinical Psychologist and a Psychiatrist from the said Hospital. The applicant will report to the Government Hospital at Akola once in every month as per the availability of the concerned Psychiatrist and Psychologist. The record of the psychiatric assessment and the counselling given to the Applicant should be maintained and when the Applicant marks his attendance before the Trial Court, he would tender the said reports in the Trial Court. It is to be mentioned that the release of the Applicant is in the form of an experiment to work out on the reformation of a young accused person, awaiting trial expecting that the Applicant will not indulge himself further in any unlawful act. Liberty is granted to the prosecution to move for cancellation of the protection on noticing any criminal indulgence on the part of the Applicant. Needless to mention that the above observations are in tune with the order dated 22nd December, 2020.

10. Considering the above observations of this Court, in case of such offences and considering the age of the applicant, he deserves to be granted a chance for reformation. For the same reasons, I am inclined to grant bail. Hence, the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant Karan Najukrao Athawale be released on bail in connection with Crime No.464/2025 registered with PSO of Police Station Akot File, District Akola for the offence punishable under Sections 115(2), 352, 351(2) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 5 (l)(n), 6, 8, 9(l) (n), 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 75 of the Juvenile Justice Act on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.
- (iii) The applicant/accused shall not enter within the territorial jurisdiction of Police Station Akot File, District Akola.
- (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 concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.
- (vi) 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 entails the State to ask for cancellation of bail.

(vii) The Applicant shall report to the Psychologist and Psychiatrist of the Government Hospital, Akola once in a month as per their availability. The Applicant shall tender the record of the psychiatric assessment and counselling given to him at the Government Hospital, Akola when he marks his attendance once in two months before the Trial Court. It is needless to mention that till what time the applicant shall report to the Psychologist and Psychiatrist shall be decided by the concerned Psychologist and Psychiatrist considering the progress of the applicant.

(viii) The learned APP is directed to forward a copy of this order to the Dean/Civil Surgeon, Government Hospital, Akola

(ix) Fees of the appointed counsel be quantified and paid as per Rules.

(M.M.NERLIKAR, J.)

Mukund Ambulkar