



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

CRIMINAL APPLICATION [B.A.] NO. 438 OF 2026

Avinash Vinod Sakharkar

-- 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. Shahrukh Shaikh, Advocate for the Applicant.

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

Mr. Y.R. Gyanchandani, Advocate (appointed) for the Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 22, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.543/2025 for the offences punishable under Section 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 (BNS), Sections 4 and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, registered with Police Station Mahagaon, District Yavatmal.

3. As per the First Information Report, the victim alleged that she was acquainted with the accused, Avinash Vinod Sakharkar, and had developed a relationship with him. It is stated that the accused established physical relations with her on

multiple occasions, including on 05/10/2025 at his residence. It is further alleged that she subsequently conceived, and on 08/11/2025, upon medical examination, she was found to be approximately five months pregnant. Thereafter, the matter was reported to the police, and on the basis of her statement and medical findings, the offence was registered and investigation was initiated.

4. The learned counsel for the applicant submits that, the victim and the applicant were having a love affair since 2023. At the relevant time, even the applicant was minor and was of 16 years of age. He further submits that there was continuous sexual relationship between the applicant and the victim. When it was noticed that the victim was pregnant, thereafter, F.I.R. was registered by the victim herself. Considering the age of the applicant, the applicant be released on bail.

5. On the other hand, the learned A.P.P. and the learned counsel for the victim vehemently opposes the application and submit that there are serious allegations against the applicant. They submit that there was continuous sexual relationship between the applicant and the victim since 2023. Admittedly, the victim was minor at the relevant time. Due to sexual relationship, the victim became pregnant and she has given birth to a female child on

31/01/2026. They further submit that, apart from the allegations, the father of the applicant is threatening the family members of the victim, and therefore, one non-cognizable offence was also registered on 02/12/2025, and therefore, according to both the counsels, the applicant does not deserve to be granted bail.

6. I have considered the rival submissions. I have seen the F.I.R. *Prima facie*, it appears that, the victim has narrated the entire incident that since 2023 the victim and the applicant were having a love affair with each other. Even it appears that, applicant was minor at the time of first incident of sexual intercourse. The said relationship continued, and ultimately in the year 2025, the victim has conceived, and thereafter, on 31/01/2026, she had given birth to female child. Considering the age of the applicant and the fact that the applicant is behind bars since 08/11/2025, and the investigation is over and charge-sheet is filed, I am inclined to grant bail by imposing stringent conditions. Hence, the following order:-

ORDER

- (i) The Criminal Application is allowed;
- (ii) The applicant/accused (Avinash Vinod Sakharkar) be released on regular bail in connection with Crime No.543/2025 for the

offences punishable under Section 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 (BNS), Sections 4 and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, registered with Police Station Mahagaon, District Yavatmal, on his furnishing a PR. bond of Rs.50,000/- (Fifty Thousand Rupees) with two solvent sureties in the like amount;

(iii) The applicant shall not enter into the village Pedhi, Tahsil Mahagaon, District Yavatmal;

(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 can *suo*

moto take cognizance of this and cancel the bail;

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

(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]