

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

CRIMINAL APPLICATION (BA) NO. 552/2026

(Mr. Ajay alias Apul Gajanan Jadhav Vs. 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. V. G. Ingole, Advocate with A.P. Pawar, Advocate for applicant.
 Mr. H. R Dhumale, APP for non-applicant/State.
 Ms. Payal Kaware, Advocate (appointed) for non-applicant No.2.

CORAM: M. M. NERLIKAR, J.

DATED : 10/06/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No. 6/2026 registered with Police Station Jaulka, Dist. Washim for the offences punishable under Sections 78(1), 351(2) of the Bharatiya Nyaya Sanhita ("BNS") read with Section 12 of the Protection of Children from Sexual Offences ("POCSO") Act, 2012.

3. The prosecution story in short is that the victim is studying in 10th standard. On 13/01/2026 at about 09:00 a.m., when she was alone at home, applicant/accused came to her house and forcibly gave her a phone and asked her to talk to him on phone. Thereafter, at about 10:00 p.m. accused called her on phone and threatened her that

he would tell her father that she talks to other boys and he make her photos viral if she does not speak to the applicant. Due to the threat, victim got scared and consumed poison. Hence, she was taken to the hospital for treatment. Accordingly the first information report was lodged.

4. The learned counsel for the applicant submits that the offence was registered under sections 78(1) and 351(2) of the BNS are bailable. Only non-bailable offence is Section 12 of the POCSO Act. He submits that even if the allegations are taken as it is, still Section 12 of the POCSO Act is not attracted. Even if it is presumed that the offence has been committed by the applicant, the maximum punishment is of 3 years. He submits that the applicant is behind bars since 24/01/2026, more than five months are over, therefore he submits that the applicant deserves to be granted bail.

5. On the other hand, the learned APP and the learned counsel for the victim vehemently opposes the application and submit that the allegations made against the applicant are serious in nature. They further submit

that on 13/01/2026 at about 09.00 am, the applicant entered in the house of the victim and handed over phone to her and forced her to talk on phone. Thereafter, there were 42 calls between them. Due to harassment at the hands of the applicant, the victim consumed poison. Though she survived, however as the offence is grave, the applicant does not deserve bail.

6. I have considered the rival submission. There is no dispute that prima facie, there are allegations against the applicant. After perusal of the statement of the victim, it can be seen that on 13/01/2026, at about 09.00 a.m., when there was no one in the house of the victim, the applicant entered into the house and forcefully handed over the mobile phone, to the victim and compelled her to talk on mobile phone. Further, the record shows that there were 42 calls between the applicant and victim. However, it appears from the statement that due to consistent calls, she was fed up and consumed poison, however she survived. No doubt, the allegations are serious in nature, but considering the fact that maximum punishment provided under Section 12 of the POCSO Act which is the only non-bailable offence in the present crime is upto

3 years and the applicant is behind bars since 24/01/2026 i.e. more than 5 months, I am inclined to grant bail. Further, the charge-sheet is also filed. No purpose would be served by keeping the applicant behind bars. Hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Mr. Ajay alias Apul Gajanan Jadhav be released on bail in connection with Crime No. 6/2026 registered with Police Station Jaulka, Dist. Washim for the offences punishable under Sections 78(1), 351(2) of the BNS read with Section 12 of the POCSO 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 concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.
- (v) The applicant shall not contact victim by any mode.

(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 entail the State to ask for cancellation of bail.

7. Fees of the appointed counsel for non-applicant No.2 be paid as per Rules.

(M. M. NERLIKAR, J.)

Gohane