



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

CRIMINAL APPLICATION [B.A.] NO. 610 OF 2026

Nitesh s/o Rajesh Pardeshi

-- 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. R.P. Kothari, Advocate for the Applicant.

Ms. S.S. Dhote, A.P.P. for the Non-applicant No.1/State.

Mr. S.S. Rotkar, Advocate for the Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : MAY 08, 2026.

Heard.

2. The counsel appearing for the victim has tendered across bar the affidavit-in-reply.

3. The present application is filed seeking regular bail in Crime No.48/2026 for the offences punishable under Sections 64(2)(i)(f), 65(1) of the Bharatiya Nyaya Sanhita, (BNS) 2023, and Sections 5(J)(2) and 6 of the Protection of Children from Sexual Offences Act, 2012, registered with Police Station Pusad, District Yavatmal.

4. The First Information Report is lodged by the father of minor victim, alleging that, his daughter had gone to attend marriage ceremony at

her sister's house. On 17/04/2025 at 01:00 a.m., one unknown person has committed forceful sexual intercourse with the victim, which led to her pregnancy and she delivered the child on 16/01/2026. Based on this information, F.I.R. was registered.

5. The learned counsel for the applicant submits that, the allegations against the applicant of rape is virtually false. He submits that, the sexual relationship was consensual, though in the First Information Report, it is stated that, it was against her will, however, according to the learned counsel, the incident has occurred on 17/04/2025, however, the F.I.R. was registered after nine months, when the victim delivered the child. He further submits that, even it appears from the record that, the victim was not willing to register the F.I.R., however, due to the act of the applicant, the victim has conceived and given birth, and accordingly, when the child was delivered, at that time, Doctor has intimated to police. He further submits that, considering the nature of allegations the applicant deserves to be granted bail.

6. On the other hand, the learned A.P.P. vehemently opposes the application and submits that, the victim is minor, she is below 18 years of age, as

her date of birth is 24/04/2010. The learned A.P.P further submits that when the incident took place, the age of the victim was 15 years, and there is nothing in the F.I.R. or the statement to suggest that the victim has given consent. Even otherwise as she is minor, her consent is immaterial, and therefore, she submits that, the applicant does not deserve to be granted bail.

7. On the other hand, the learned counsel appearing for the victim by filing affidavit-in-reply has consented to grant of bail.

8. I have considered the rival submissions. It is not in dispute that after nine months of pregnancy, the F.I.R. was registered by the father of victim. It is alleged in the F.I.R. that when the victim delivered child, the father of the victim had asked her about the incident, and accordingly, victim narrated to him that when she visited her elder sister, i.e., Poornima's home at Pusad on 02/04/2025 and stayed there till 18/04/2025 for wedding function, that time the incident took place. On the day of Haldi, i.e., on 17/04/2025, when she was sleeping in the hall at around 01:00 a.m., an unknown person came near her and forcefully performed sexual intercourse, due to which, she got frightened and started shouting. After making hue and cry, one

Lakhan Daji alias Lakhan Chandan, came and chased the unknown person, but couldn't find anyone. It further appears that, the F.I.R. was registered against the unknown person. Two statements reflect that the victim has not named anyone, however, in the third statement which is recorded on 23/01/2026, name of the applicant was taken by the victim, and accordingly, the applicant came to be arrested. Considering the nature of allegations, and the fact that the investigation is over, charge-sheet is filed and the victim has given consent for grant of bail, 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 (Nitesh s/o Rajesh Pardeshi) be released on regular bail in connection with Crime No.48/2026 for the offences punishable under Sections 64(2)(i)(f), 65(1) of the Bharatiya Nyaya Sanhita, (BNS) 2023, and Sections 5(J)(2) and 6 of the Protection of Children from Sexual Offences Act, 2012, registered with Police Station Pusad, 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 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 Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency;

(v) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for one single date, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail;

(vi) The above observations are *prima facie* in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.

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

[M.M. NERLIKAR, J]