



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

CRIMINAL APPLICATION [BA] NO. 627 OF 2026.

Naresh Dinkar Boke

-VERSUS-

State of Maharashtra and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri M.R. Deshpande, Advocate h/f. Shri S.V. Sirpurkar,
Advocate for the Applicant.
Shri A.G. Mate, A.P.P. for Non-applicant no.1/State.
Shri Y. Venkatraman, Advocate for Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : MAY 08, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime no.119/2026 registered with Jalamb Police Station, District Buldhana for the offence punishable under Sections 137[2], 64[2] of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO).

3. The first information report came to be lodged at the instance of victim who is a minor alleging that on

21.05.2025 she left her house and started residing with Naresh, who is major, and after 2-3 days they have performed marriage. As she was residing with Naresh and both were having sexual relations, she got pregnant. On 12.04.2026, she was taken to General Hospital, Khamgaon where she delivered a child. Since the victim was 17 years 11 months of age, at the relevant time therefore the aforesaid offence came to be registered.

4. The learned Counsel for the applicant submits that there is no allegation of rape. It was a consensual relationship and the couple was living together. Out of which the victim conceived and when taken to the Doctor for delivery, the Doctor found that she was 17 years and 11 months of age, and therefore, the matter was reported to the police and aforesaid first information came to be registered. He submitted that the victim was of understandable age and by consent the relations had developed, she is at the verge of attaining majority and in such circumstances, the applicant cannot be kept behind bars. Even the victim has given consent to grant bail, however, the learned trial Court has not considered this fact. He therefore,

prays for grant of bail.

5. On the other hand, the learned A.P.P. vehemently opposes the application by stating that the victim was minor at the time of incident i.e. 17 years of age. Consent of minor is no consent in the eye of law and therefore the applicant is not entitled to be released on bail.

6. The learned Counsel appearing for the non-applicant no.2/victim has given consent to grant bail to the applicant.

7. I have considered the rival contentions of the parties. No doubt, when the victim delivered the baby, at that time the Doctor found that she was 17 years and 11 months of age. It is further to be noted that the victim has given consent for grant bail of the applicant. It is a settled law that consent of victim is no consent, however, considering the nature of allegations and circumstances appearing in the present case, I am inclined to grant bail. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.

- (ii) The applicant /accused Naresh Dinkar Boke be released on regular bail in connection with Crime No..119/2026 registered with Jalamb Police Station, District Buldhana for the offence punishable under Sections 137[2], 64[2] of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO), on his furnishing P.R. Bond of Rs.50,000/- with two 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 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 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.

- (viii) Misc. Applications, if any, are also disposed of.

JUDGE

-