

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

CRIMINAL APPLICATION NO.646 OF 2026

Akash s/o Santosh Doke

..VS..

State of Maharashtra and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.J. Thakkar, Advocate for the applicant.
Shri H.R. Dhumale, APP for the State.
Shri M.N. Ali, Advocate for non-applicant no.2.

CORAM: M.M. NERLIKAR, J.

DATE : 11.06.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.31 of 2026 registered with Jalamb Police Station, District Buldana for the offence punishable under Sections 137(2), 64(1), 65(2), 87 of the Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 4 and 6 of the Protection of Children From Sexual Offences Act, 2012,.

3. Initially, on the information of the father of the victim that on 29.01.2026, the present applicant has taken away her minor daughter from his custody, the offence under Section 137(2) of the BNS was registered.

4. Learned Counsel for the applicant submitted that though the victim is 14 years and 4 months of age, however there was love affair between the applicant and the victim, which can be gathered from the history narrated by the victim before the Medical officer, who has examined the victim. There was no forceful sexual act by the applicant. Learned Counsel for the applicant

has invited my attention to the statement of the victim recorded by the Police as well as the statement recorded before the Magistrate wherein, he victim has admitted that there was love affair between the applicant and the victim, therefore, the victim on her own accord has left the company of her parents and accompanied the applicant. Therefore, considering the fact that the investigation is complete and charge-sheet is filed, the applicant prayed to be enlarged on bail.

5. On the other hand, learned APP and learned Counsel appearing for the non-applicant no.2/Victim vehemently opposed the application on the ground that the victim is 14 years and 4 months of age whereas the applicant is 25 years of age. Therefore, consent of the minor is 'no consent' in the eyes of law. The applicant being adult person, has taken undue advantage of innocence of the victim girl. It is further submitted that medical report shows that the victim was raped and considering the age of the victim, the application deserves to be rejected.

6. I have considered the rival submissions and perused the entire record as well as the statement of the victim.

7. It is not in dispute that initially the offence is registered against the applicant under Section 137(2) of the BNS, however later on Sections 64(1), 65(2), 87 of the BNS and Sections 4 and 6 of the Protection of Children From Sexual Offences Act, 2012 have been added.

8. The Investigation papers show that the victim on

her own accord left her house on 29.01.2026 at about 4.00 am, as the applicant came to her house to take her along with him. They both went to Nandura Railway station. Further from Nandura Railway Station they went to Nashik and at Nashik they stayed at the house of the applicant for two days, where they had sexual intercourse. It can be gathered that at no point of time the victim has made hue and cry. Also the Medical papers shows that the victim has stated that there was no forceful act by the applicant, however on 30.01.2026 they had sexual intercourse. Even in the statement before the Magistrate, the victim disclosed that the applicant and the victim were having a love affair. Under such circumstances and considering the fact that the investigation is complete and charge-sheet is filed, I am inclined to enlarge the applicant on bail on the following terms and conditions. Hence the following order :

- (a) The application is allowed.
- (b) The applicant Akash s/o Santosh Doke in connection with Crime No.31 of 2026 registered with Jalamb Police Station, District Buldana for the offence punishable under Sections 137(2), 64(1), 65(2), 87 of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4 and 6 of the Protection of Children From Sexual Offences Act, 2012, be released on bail on furnishing P.R. bond of Rs.50,000/- with one surety in the like amount.
- (c) The applicant shall not in any way, contact the victim till the conclusion of the trial.

- (d) The applicant 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.
 - (e) The applicant shall provide his residential address and cell number to the Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.
 - (f) 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.
9. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .
10. All Misc. application(s), pending if any, shall stands disposed of accordingly.

(M.M. NERLIKAR, J.)

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