



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

**CRIMINAL APPLICATION (ABA) NO. 336 OF 2026**

**(Vaibhav Dilip Ugle V/s State of Maharashtra & Anr.)**

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| Office Notes, Office Memoranda of Coram,<br>Appearances, court's orders or directions and<br>Registrar's orders | Court's or Judge's orders |
|-----------------------------------------------------------------------------------------------------------------|---------------------------|

Mr. M. V. Rai, Advocate for Applicant.  
Ms. R. V. Sharma, APP for Non-applicant  
No.1/State.  
Ms. P. S. Gwalani, Advocate (appointed) for Non-  
applicant No.2.

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**CORAM : PRAVIN S. PATIL, J.**  
**DATE : JUNE 12, 2026.**

. Heard.

2. By the present Application, Applicant is seeking pre arrest bail in Crime No. 107/2026 registered with Police Station, Jalamb, District Buldhana for the offence punishable under Sections 137(2), 74, 75(1) of Bhartiya Nyay Sanhita, 2023 read with Section 8 of Protection Of Children from Sexual Offences Act, 2012.

3. At the outset, learned Counsel for the Applicant has pointed out to this Court that vide order dated 29/4/2026 this Court has granted ad interim protection and directed the Applicant to co-operate the Investigation Officer in the investigation. According to the Applicant, he has attended the

Police Station on the given date and tendered full co-operation to the Investigation Officer.

4. The learned APP did not dispute this fact and stated that on attendance of the Applicant, during the course of investigation, his motorcycle was seized in the matter.

5. In the present case, considering the allegations levelled against the Applicant, who is of 18 years and 5 months old, it would be relevant to refer the law laid down by this Court in the case of ***Sunil Mahadev Patil V/s The State of Maharashtra, 2015 SCC OnLine Bom 6204***, wherein the Co-ordinate Bench of this Court has recorded the specific finding in paragraph Nos.11 and 12 of the Judgment which reads thus :

*“11. Today teenagers are exposed to more sex related issues and lot of material is also available to them to know the sexual relationship between a man and a woman. Because of their impressionable age, girls and boys both may tend to get provoked and there can be a curious and very compelling demand of the body to get into such kind of relationship. Sexual urge differs from person to person and there cannot be any mathematical formula in respect of sexual behavioural pattern of teenagers, as biologically whenever the child turns into puberty, the child starts understanding his or her sexual needs. The nature of response depends on the upbringing, peer pressure, how civilized the environment is etc. Sex requires proper physical and emotional preparation, as it results in many physical and emotional consequences. This is all considered as a sexual maturation. Therefore, some sects with view to regularize sexual behaviour of the community*

*have acknowledged this biological factor and therefore, the early age marriages are performed in some religions or communities. Taking into consideration this social and biological factors, the law makers have considered the age of 15 as a age of consent when the marriage is performed. Taking into consideration this background, the trial Judge has to pass an order of bail in such cases.*

**12.** *The overall considerations while deciding such applications can be summed up as -*

*When a boy and a minor girl are in love with each other and chose to live together without consent of their parents, then the following factors are to be considered :*

- (i) What is the age of the prosecutrix, who is minor;*
- (ii) Whether the act is violent or not;*
- (iii) Whether there are antecedents or not;*
- (iv) Whether the offender is capable of repeating the Act or not;*
- (v) Whether there is likelihood of threats or intimidation, if at all the boy is released;*
- (vi) Whether any chance of tampering with the material witnesses when their statements are recorded; and*
- (vii) It is also to betaken into account in such cases that a boy in his early 20's deserves to get employment and to plan, stabilise and secure his future."*

6. In the present matter, Applicant is 18 years and 5 months old whereas victim is 15 years and 9 months old. Both are in love relation with each other. It seems that due to apprehension of their family members that they will not recognise their love, decided to flee away. The brother-in-law of Informant noticed this

fact and made aware about the same to the Informant. On the basis of this fact, alleged offence is registered in the matter.

7. It is clear from the record that the act of Applicant was not violent. There are no criminal antecedents against the Applicant nor he seems to be capable of repeating the act.

8. In the light of above observation made by the Coordinate Bench of this Court and the proximity of the age of Applicant and the victim in the matter, I am of the opinion that custody of the Applicant would not be necessary, and therefore, Applicant is entitled for pre-arrest bail. In the result, following order is passed.

#### ORDER

1. Criminal Application is allowed.
2. In the event of arrest in Crime No. 107/2026 registered with Police Station, Jalamb, District Buldhana for the offence punishable under Sections 137(2), 74, 75(1) of Bhartiya Nyay Sanhita, 2023 read with Section 8 of Protection Of Children from Sexual Offences Act, 2012, the Applicant – Vaibhav Dilip Ugle be released on furnishing PR Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
3. The Applicant shall continue to co-operate with the Investigation Officer as and when directed by the

Investigation Officer by issuing pre-intimation notice to the Applicant.

4. The Investigation Officer is directed to give one day prior intimation to the Applicant as and when his presence is required.
5. The Applicant shall not enter in the vicinity where the victim is residing i.e. village Pahurjira, Tahsil Shegaon, District Buldhana till investigation is completed and chargesheet is filed in the matter.
6. The Applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Investigating Officer and the Court concerned, and shall not change the same till the final disposal of the case.
7. The Applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.
8. The Applicant shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the Police.
9. The Applicant shall maintain law and order.
10. In case of breach of any condition, the learned trial court is

at liberty to cancel the bail after giving opportunity of hearing to both the sides.

9. The Criminal Application stands disposed of accordingly.

10. Ms. Gwalani, learned Counsel (appointed) for Non-applicant No.2 appeared in the matter. Her professional fees be quantified as per Rules.

**[PRAVIN S. PATIL, J.]**

*vijaya*