

Criminal Bail Application No.115/2026

(CNR-MH-DH-01-000505-2026)

Nilesh Prakash Pawara. Applicant.

-versus-

The State of Maharashtra. Respondent.

Order Below Exh.1

Applicant has sought pre-arrest bail under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.14/2025 registered with Shirpur Taluka Police Station, for the offences punishable under Sections 64(1) of Bhartiya Nyaya Sanhita, 2023 and section 4, 6 of POCSO Act.

2] Brief facts of the prosecution case are as under;

On 23/01/2026 informant/victim gave statement at Civil Hospital, Jalgaon that, she is taking education at Hated, Tal. Chopda. Her father is having grocery shop at her native place. Accused used to visit their shop and therefore she got acquainted with him. Their friendship turned into love affair. During Diwali festival she went to a fair at village Sule, Tal. Shirpur along with her friend. There she met accused. They both wondered in the fair for the whole day. At about 06:00 p.m. accused disclosed his wish to meet her in field. Therefore she went with accused on her own accord. There accused committed sexual intercourse with her twice. Thereafter when she went to school, she was bleeding. Therefore she was referred to a clinic at Hated and thereafter she was referred to Civil Hospital, Jalgaon. There she came to know that she is pregnant from accused. Prior to 4

to 5 days she was suffering from itching, therefore she consumed some medicine and due to the same her pregnancy was terminated. On this statement F.I.R. was lodged against accused vide section 64(1) of Bhartiya Nyaya Sanhita, 2023 and section 4, 6 of POCSO Act. Apprehending arrest, applicant has filed present application.

3] The State has opposed bail application on various grounds.

4] Ld. Advocate Shri. N. G. Dusane for the applicant submitted that, the applicant is innocent and he has been falsely implicated in this crime. There is delay in lodging F.I.R. which is not properly explained. The informant was not minor on the date of alleged commission of offence. The applicant is having love affair with informant and her family members are opposing said relations, therefore they compelled the informant to lodged this false F.I.R. The informant is adolescent girl having sufficient maturity to know the consequences of her own acts. She is a consenting party in the sexual act. Nothing is required to be recovered or seized at the instance of applicant. The applicant is studying in 2nd year of Diploma in Pharmacy. His arrest will spoil his educational and future career. He has no criminal antecedent. He is ready to abide by the conditions imposed by the Court.

5] Ld. Special P.P. Shri. N. B. Kalal has submitted that allegations against the accused are serious. Custodial interrogation is necessary. Investigation may be hampered. Therefore he has prayed to reject this application.

6] The informant has appeared before the Court along with her parents through advocate Shri. A. B. Shaikh. She has filed her say at Exh.7 and has given no objection to grant the application.

7] On perusal of the documents filed by the State and considering the submissions made by the learned advocate for the applicant/accused it appears that an offence punishable under section 64(1) of Bhartiya Nyaya Sanhita, 2023 and section 4, 6 of POCSO Act has been registered against the applicant. Considering the nature and seriousness of the allegations, the material placed on record it reveals that the victim, who is a minor, has alleged that the applicant had sexual intercourse with her which resulted in pregnancy. The offences alleged against the applicant are under Section 64(1) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4 and 6 of the POCSO Act, which are grave in nature and entail severe punishment. Even though the victim has stated that she had accompanied the applicant on her own accord, the consent of a minor is immaterial under the provisions of the POCSO Act. The record further indicates that the victim had become pregnant and the pregnancy was subsequently terminated, which requires proper investigation. In the circumstances, the custodial interrogation of the applicant appears necessary for effective investigation, including for the purpose of collecting his medical samples and completing other related investigative steps. In view of the gravity of the accusations and the statutory protection granted to a child under the POCSO Act, this Court is of the opinion that the applicant does not deserve the discretionary relief of anticipatory bail. The no-objection expressed by the victim cannot outweigh the seriousness of the allegations at this stage. Hence, the application

deserves to be rejected.

ORDER

Application stands rejected.

Date:- 11.03.2026.

[Yasmin G. Deshmukh]
Addl. Sessions Judge, Dhule.

Certificate

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Name of the Steno : T.R.Pankhedkar.
Name of the Court : Court of District Judge-3 & Addl. Sessions Judge, Dhule.
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Sd/-...
Stenographer(Gr-I).