

MHGA010001292026



IN THE COURT OF AD-HOC ADDITIONAL SESSIONS JUDGE,
GADCHIROLI

(Presided over by Shri V. S. Khot)

Criminal Bail Application No.23/2026

Dnyaneshwar @ Danny Ravindra Nagapure,

Aged 21 years, Occu. Labour,

R/o. Amirza, Tahsil : Gadchiroli,

District : Gadchiroli

.. **Applicant**

-versus-

State of Maharashtra

Through P.S.O. P.S. Armori,

Tahsil : Armori, District : Gadchiroli

.. **Non-applicant**

Order below bail application dated 21.02.2026 in Crime No.522/2025 registered under Sections 137(2), 64(2)(i), 64(2)(m), 87, 115(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS), under Sections 4, 6, 8 , 12 of Protection of Children from Sexual Offences (POCSO) Act, 2012 and under Section 3(2)(l), 3(1)(w)(i)(ii) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act 1999.

(Passed on : 27th March, 2026)

1] This bail application is filed by the applicant for his release on regular bail under the provisions of 483 of the Bharatiya Nyaya Sanhita, 2023 in Crime No.522/2025 registered under Sections 137(2), 64(2)(i), 64(2)(m), 87, 115(2), 351(2) of the (BNS), 2023, under Sections 4, 6, 8 , 12 of the (POCSO) Act, 2012 and under Section 3(2)(l), 3(1)(w)(i)(ii) of the SC/ST (Prevention of Atrocities) Act 1999.

2] The applicant contended that Police Station, Armori on

05.12.2025 in offence no.522/2025 booked the accused and arrested him on 04.02.2026. He came to be produced before the Court on 5.2.2026 and since then, he is in the judicial custody. The applicant further contended that, he came to be booked by the police on the basis of complaint lodged by the victim. The victim was residing at the house of her maternal uncle. On 5.12.2025 there was a drama in the village. The victim attended the said drama and thereafter did not return to the house of her maternal uncle. Therefore, the offence came to be registered as the relatives could not search her. The victim stated to the police that, the applicant and victim got acquainted with other and their relationship turned into the love affair. The parents of the victim got aware about love story of the applicant and the victim. They started preventing the victim from keeping relations with the applicant. The victim started avoiding talks with the applicant but her mother and father continued with the trouble given to her. The victim narrated her trouble to the applicant on a phone. She stated to the applicant that, she would commit suicide. It was desire of the victim to flee away with the applicant. The victim and the applicant thereafter fled away and the offence came to be registered against the applicant.

3] All the allegations levelled against the applicant are false. The applicant is a law abide citizen. His whole family is dependant on him. He would not flee away if released on bail. He is having no criminal background and he is ready to cooperate to the police. The applicant prayed for the release on bail.

4] The say filed by the prosecution makes it clear that, the prosecution is opposing the bail on the ground that the victim is the member of Scheduled Caste community. The accused developed friendship initially and thereafter love affair. The applicant resorted to

the violence. If the applicant is released on bail, he can impose burden on the witnesses. The offence can be repeated if the applicant is released on bail. The applicant generally goes to the other State for the labour work. If he goes to other State then it would be hard to secure the presence of the applicant before the court.

5] The say of the victim was also called. The victim submitted that she developed friendship initially which turned into love affair. She went with the applicant. The applicant took her to his parental home. He introduced her to his mother and father. At night, the victim was sleeping in the separate room, the applicant entered into the room and slapped her and committed sexual intercourse forcibly. If the applicant is released on bail, then there would be danger to her life and life of her parents. The applicant in past had made a quarrel with the family members of the victim. The bail application is liable to be rejected as it is meritless.

6] In view of the rival contentions of the parties, following points for my determination and I have recorded my findings subject to the reasons mentioned hereinafter.

No.	<u>Points</u>	<u>Findings</u>
1.	Whether the applicant is entitled to be enlarged on bail under Section 483 of the BNNS ?	..Yes...
3.	What order ?	As per final order.

REASONS

7] The applicant has filed this bail application and contended that, he was having love relationship with the victim. He contended that the relationship was not acceptable to the parents of the victim, therefore, the victim lodged the FIR. The allegations levelled against the applicant are wrong. The learned APP in the equal vehemence

submitted that the applicant developed the relationship with the victim. If he released on bail, then he can impose the burden. The victim is member of the Scheduled Caste. He can repeat the offence if enlarged on the bail. He can repeat the offence. The bail application is liable to be rejected.

8] The applicant is a resident of Armori, Tahsil - Armori, District - Gadchiroli. He is 21 years old and does labour work. The applicant is having no past criminal history. He contended that, his criminal background is clean and clear. There is no contra material against this contention. It appears that, the applicant is having no criminal background. This fact envigors the applicant's case as regards to the grant of the bail.

9] The perusal of the contentions of the parties make it clear that, the applicant is having love relationship with the victim. The FIR filed on the record makes it clear that, the applicant and the victim fled away. The say of the victim makes it clear that, she was having love relationship with the applicant and they both fled away to the parental home of the applicant. It is apparent that, the victim and the applicant was having love relationship. The existence of love relationship between them adds vigour to the contentions of the applicant.

10] It is stated by the victim in the say that, they were sleeping in the separate and different rooms, the applicant came there and committed forcible sexual intercourse. In this regard, it is pertinent to note that, the applicant and the victim fled away and then went to the parental home of the applicant. In such circumstances, it can be gathered that the victim was consented to the relationship. In such circumstances, it is dubious that the applicant exerted pressure and committed sexual intercourse. At this stage, a doubt creeps in the mind that, the victim and the applicant were consenting parties to the act.

The existence of the love relationship shows that there are chances of voluntarily love relationship between them.

11] The applicant and the victim fled away. It is clear that the applicant never injured the victim. He did not take any resort to any violence and cheating. This fact goes in favour of the applicant's case.

12] The prosecution has submitted that, the applicant can impose the burden upon the witnesses and he can repeat the offence. It is already mentioned that, the applicant is having no criminal background. In such circumstances, it is hard to believe that, the applicant will take law in his hands and commit any other crime. This allegation is having no relevance in case in hand.

13] The prosecution has also made the allegations under the provisions of Atrocities Act. The prima-faciely the provisions of the Atrocities Act would have no application in this case because there were love relationship. A person would normally commit the offence under the Atrocities Ac if such a person is having any hatred towards the member of the Scheduled Caste or Scheduled Tribe. If a person is having love affair with the girl of Scheduled Caste, then it cannot be said that such a person is having hatred towards the members of the Scheduled Caste. Prima-faciely, it is apparent that, the applicant is having no hatred to the Scheduled Caste, that's why he has chosen a girl of the Scheduled Caste for the love relationship. There is no force in the contentions of the learned APP that he is not entitled to the bail as the provisions of the Atrocities Act are made applicable in this case.

14] In this case, the applicant is having no criminal background. There was a love relationship between the applicant and the victim. Their age are having match for such relationship. There may be love relationship between them. The applicant is having no criminal background. He has chosen of a girl of Scheduled Caste. This shows

that he is having no hatred towards Scheduled Caste community. In such circumstances, the allegations levelled against the accused are prima-faciely weak. The accused is entitled to be enlarged on bail. The allegations put forward against him, are prima-faciely weak and defective. I am of the view that, the applicant can be enlarged on bail subject to the conditions. In adherence to the above mentioned discussion, I am inclined to pass the following order resulting in enlarging the accused on bail.

ORDER

1. The application for bail is hereby allowed.
2. The accused stands enlarged on bail of Rs.50,000/- with one surety in like amount in Crime No.522/2025 registered under Sections 137(2), 64(2)(i), 64(2)(m), 87, 115(2), 351(2) of BNS, 2023, under Sections 4, 6, 8 , 12 of Protection of Children from Sexual Offences (POCSO) Act, 2012 and under Section 3(2)(l), 3(1)(w)(i)(ii) of Prevention of SC/ST (Atrocities) Act.
3. The accused shall not abscond and shall not leave the State of Maharashtra without permission of the Court.
4. The applicant shall attend the dates of trial without fail.
5. The applicant shall not impose any burden upon the victim or witnesses in any manner.
6. The accused shall not commit any other offence while on bail.
7. The bail application stands disposed of.
8. It be annexed to the charge-sheet.

Sd/-

Gadchiroli
27th March, 2026

(Vishwas S. Khot)
Ad-Hoc District Judge-1 &
Additional Sessions Judge,
Gadchiroli