



Cri.Bail Appln. No. 24/2026  
Ajay Gawade X State  
MHGA130000392026

**ORDER BELOW EXH. 01**  
(Passed on 27.03.2026)

1. Applicant/accused Ajay Kotla Gawade has prayed for regular bail, in connection with Crime No. 7/2026 registered at Etapalli Police Station under Sections 64(1), 64(2)(i), 65(1) and 351(2) of BNS and Section 4, 6, 8, 10, 42 of POCSO Act.
2. The I.O. and learned SPP opposed the application vide common say at Exh.6.
3. The victim girl filed reply Exh.7 and stated that she has no objection to grant bail to the applicant/accused.

**Allegations as per FIR-**

4. In the year 2025, the victim girl was aged around 15 years and 6 months. She used to study in residential school at Nagpur. In April 2025, in summer vacation of school, she had been to her native village in a Gadchiroli district. The applicant/accused is resident

of the same village. On a one day, the parents of victim girl were out of station. Hence, victim girl went to sleep to the house of her grand-mother. At about 9.00 p.m., the applicant/accused entered in the house and by giving threat to the victim girl took her to the side of kitchen and committed forcible sexual intercourse with her. Due to fear of applicant/accused, the victim girl did not disclose the incident to any one. In June 2025, the victim girl went to her residential school. From June 2025, the victim girl's menstruation cycle was stopped. In January 2026, the victim girl was not feeling well. She was pregnant. Hence, her parents were called at the school. Upon enquiry, victim girl disclosed the incident to her parents. Thereafter, she lodged the report at Etapalli Police Station. The crime is registered.

5. The police arrested the applicant/accused on 30.01.2026. Presently he is in judicial custody. The investigation is over and charge-sheet is filed.

**Submissions-**

6. Learned advocate for the applicant/accused submits that the report is false. He submits that there is no prima facie evidence to prove that the victim girl was

minor. He submits that the charge-sheet and papers show that there was love affair in between victim girl and the accused. He submits that there was no use of force or violence. He submits that the investigation is over and charge-sheet is filed. He submits that the applicant/accused is young boy and has no criminal antecedents. He submits that applicant/accused and the victim girl are going to perform marriage. Hence, he prayed to allow the application.

7. Learned S.P.P. Mr. A.R. Masram submits that the victim girl is minor and hence, her consent is immaterial. He submits that there is prima facie evidence to show that applicant/accused committed penetrative sexual assault on the victim girl. He submits that the nature and gravity of the offence is serious. He submits that there is possibility of tampering the witnesses. Hence, he prayed to reject the application.

**Reasons-**

8. I have perused the charge-sheet and papers. The birth certificate of victim girl shows the birth date as 04.08.2010. Thus, prima facie on the date of alleged incident the victim girl was aged around 15 years and 5 months. The victim girl in her report and statement

stated that applicant/accused committed sexual intercourse with her and she became pregnant. The papers show that the victim girl has delivered a child. It can be seen that the victim girl was sleeping in the house of her grand-mother. It is prima facie difficult to believe that the applicant/accused would have committed sexual intercourse with the victim girl by using force or violence. Prima facie, if really there been force or violence, the victim girl would have raised shouts. Moreover, she would have immediately disclosed the incident to her grand-mother and to her parents. However, she remained silent for more than 6 months until her pregnancy was detected. Thus, prima facie there is substance in the submission of defence advocate that the relations between the victim girl and the applicant/accused was consensual and out of love affair. This inference is fortified by the reply at Exh.7 of victim girl and her father, wherein they have stated that the victim girl was having love affair with the applicant/accused and they have no objection to grant bail.

9. It is true that the consent of minor girl is immaterial. However, in a cases arising out of love affair in between the young girl and boy, the approach of the

Court in considering bail application needs to be different. The Hon'ble High Court of Bombay in the case of **Sunil Mahadeo Patil -v- State of Maharashtra in Bail Appln. No.1036/2015 decided on 03.08.2015** has considered the cases arising out of love affair and led down the following parameters to be considered in dealing with bail applications.

“12. Overall considerations while deciding such applications can be summed up as -

When a boy and minor girl are in love with each other and choose to live together without the 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 act or not,
- v. Whether there is likelihood or threat or intimidation if at all the boy is released,
- vi. Whether any chance of tampering with the material witnesses when their statements are recorded,
- vii. It is also to be taken into account in such cases that a boy in his early 20s deserves to get employment and to plan, stabilize and secure his future.

10. The aforesaid judgment and ratio have been considered by the Hon'ble High Court in **Vijay Chand**

**Dube -v- State of Maharashtra in Criminal Bail Appln.  
No. 3899/2024.**

11. Reverting to the present case, the charge-sheet and papers and more particularly reply of victim girl prima facie show that there was love affair in between victim girl and applicant/accused. Prima facie, victim girl aged around 15 years and 5 months seems to had sufficient maturity. Prima facie, the physical relations between them seems to be consensual. There is no evidence to show the use of force or violence. There is no much difference between victim girl and applicant/accused. Both are young. There seems to be no previous criminal antecedents of the applicant/accused. It is clear that the charge-sheet is filed. The trial will take time for completion. In the circumstances further pretrial detention of the applicant/accused is not necessary. The present case is covered by the ratio laid down in the aforesaid judgments. In this view of the matter, I am inclined to grant bail to the applicant/accused, moreso, when victim girl and her father gave their written no objection. Hence, the order.

**Relief -**

12. The Criminal Bail Application No. 24/2026 is allowed. Applicant/accused **Ajay Kotla Gawade** be released on bail in connection with Crime No. 7/2026 registered at Etapalli Police Station under Sections 64(1), 64(2) (i), 65(1) and 351(2) of BNS and Section 4, 6, 8, 10, 42 of POCSO Act, on his furnishing PR. Bond of ₹50,000/- (In words Rupees Fifty Thousand Only) and surety in the like amount on the following conditions -

a) The applicant / accused shall not threaten the victim or her parents in any manner.

b) He shall regularly attend the dates of the case and shall co-operate in the completion of trial.

The bail order be communicated to the accused through Jailor, District Prison, Chandrapur.

Aheri.  
Date – 27.03.2026.

**(D. M. Aher)**  
Judge, Special Court (POCSO Act),  
Aheri, District Gadchiroli

**Certificate**

I affirm that the contents of this PDF file Judgment is same word to word as per the original Judgment.

- a) Name of the Stenographer :- Ramesh B. Chandekar  
Stenographer - Grade 1.
- b) Court :- Judge, Special Court (POCSO Act),  
Aheri, District Gadchiroli.
- c) Order directly typed on dias PC. :- 27/03/2026
- d) Order signed & checked by P.O. :- 27/03/2026
- e) Order uploaded on : - 27/03/2026