

MHNS070006202026

Cri. Bail Appln. No. 244 of 2026



Rohit Ganesh Sarode

Vs.

The State of Maharashtra & others

ORDER BELOW EXH.1
(Passed on 11/03/2026)

1. This is an application under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023, for grant of regular bail to the applicant-accused in connection with C.R. No. 12/2026 registered at Nandgaon Police Station for the offence punishable under Section 137(2), 64(2)(m), 69 of Bhartiya Naya Sanhita, 2023 (hereinafter for short 'the B.N.S.') and Section 4, 6 and 17 and Section 12 of the Protection of Children from Sexual Offences Act (hereinafter for short 'the POCSO Act').

2. Ld. APP appeared for the respondent No.1/State and opposed the bail application by filing say of I.O. at Exh.4.

3. The informant and victim appeared and opposed the application by filing written say at Exh.7.

4. Heard, Shri. D.G. Kothalikar, Ld. advocate for the applicant-accused and Shri. S.K. Sonawane, Ld. APP for the respondent/State. Both argued vehemently. Also heard the informant and victim in person.

5. Ld. Advocate for the applicant-accused submitted as under:-

The applicant-accused is arrested on 14/01/2026 and he is in judicial custody since 17/01/2026. Investigation is complete and custody of applicant-accused is not required. The FIR is lodged against unknown person. In the FIR age of the victim is noted as 15 years and

2 months, therefore, she had attained the age of understanding. She on her own left the house and accompanied the accused as both were in love with each other. The family members of victim had fixed the marriage of victim with another boy and engagement ceremony was performed, however, the victim was not ready for the said marriage. Therefore, she on her own by sending text message to the accused called him and she on her own left the house and gone with the accused. Therefore, sections levelled could not be attracted against applicant-accused. The sections are levelled only on the basis of suspicion. No purpose would be served in keeping the applicant-accused behind the bars. He is having permanent residence. He is ready to abide all conditions of bail. Therefore, regular bail be granted to applicant-accused.

6. On the other hand, Ld. APP for the State and the informant and victim in person submitted as under-

The offence is serious as it is against minor girl. The applicant-accused kidnapped the victim, who is below 18 years of age and he took her at various places. He was having knowledge that the victim is below 18 years of age, still he committed sexual intercourse with her by giving promise of marriage to her. Because of the said incident the victim is under mental pressure. The investigation is in progress. If bail is granted to the applicant-accused, he would pressurize the informant, victim and other witnesses. Further he would not remain present before the Court regularly. Further, life of victim and her family members would be in danger. Therefore, the application should be rejected.

7. Copy of FIR prima facie shows that it is registered on 07/01/2026 at 17.07 hrs. vide C.R. No.12/2026 registered at Nandgaon Police Station for the offence p/u/s. 137(2) of the B.N.S. It seems that other offences i.e. offence p/u/s. 64(2)(m), 69 of the B.N.S. and 4, 6

and 17 of the POCSO Act are added later on after recording the alleged statement of the victim and supplementary statement of the informant.

8. From the contents of FIR prima facie it can be said that it is registered against unknown person and age of the victim at the time of lodging FIR was 15 years 2 months. I have gone through the police papers submitted for perusal. In the alleged statement of victim she has made some allegations against the applicant-accused. It is alleged that the applicant-accused was having knowledge that the victim is below 18 years of age and still he kidnapped her by enticing her and committed sexual intercourse by giving promise of marriage.

9. It is to be noted that age of the applicant-accused is 21 years and according to accused he and victim were in love with each other and the family members of the victim had fixed her marriage with another boy and performed her engagement ceremony, therefore, the victim herself sent text message to the accused and she herself left the house and went with the applicant-accused. The WhatsApp chatting and some screen shots are produced by the Ld. Advocate for accused alongwith list at Exh.9. After perusing the same and considering the age of applicant-accused and victim prima facie it can be said that both were in love with each other and had decided to marry with each other. Therefore prima facie it can be said that the present case is of a love affair and that the victim had attained the age of understanding and she left the house and went with the applicant-accused knowing the consequences of the same. Nothing is produced to show that the applicant-accused is having criminal antecedents. He is in Jail since 17/01/2026. He is having permanent residence. Nothing is to be recovered or seized from him. No purpose would be served in keeping him behind the bars. So far as the objections raised by the I.O., Ld. APP for the State and victim are concerned care of it can be taken by

imposing certain conditions on the applicant-accused. Therefore, it can be said that the applicant-accused is entitled for regular bail on certain conditions. As such, the application is to be allowed by imposing certain conditions. Hence, I pass the following order.

ORDER

The application is allowed as under :-

1. Applicant-accused Rohit Ganesh Sarode r/o. Jalgaon Khd. Tal. Nandgaon, Dist. Nashik, who is in MCR/Jail in connection with C.R. No.12/2026 registered at Nandgaon Police Station for the offence p/u/s. 137(2), 64(2)(m), 69 of the Bhartiya Nyaya Sanhita, 2023 and 4, 6 and 17 of the Protection of Children from Sexual Offences Act, be released on bail on his executing P. R. bond of Rs.50,000/- (Rs. Fifty Thousand) with solvent surety/sureties of the like amount and on following terms and conditions :-
 - i. The applicant-accused shall remain present at any place as and when called by the I.O. for the purpose of further investigation, if any.
 - ii. The applicant-accused shall produce any document/ documents, article/articles, mobile phone, and sim card numbers, etc. which may be required by the I.O. for the purpose of further investigation, if any.
 - iii. The applicant-accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade them from disclosing such facts to the Court or to any Police Officer.
 - iv. The applicant-accused, after his release from the Jail, shall attend the concerned Police Station on every Sunday between 11.00 a.m. to 01.00 p.m. till the filing of charge-sheet or till the expiry of period of 60 days from today, whichever is earlier.
 - v. The applicant-accused shall not commit similar kind of offence or any other offence in future.
 - vi. The applicant-accused shall not tamper with the prosecution witnesses and evidence in any manner.

2. The applicant-accused or his surety shall furnish detail address and temporary address of the applicant-accused alongwith his Photo ID.
3. The applicant-accused or his surety shall furnish names and detail address and mobile phone numbers of three close/blood relatives of the applicant-accused.
4. If there is change in the address of applicant-accused, he shall inform about it to the concerned Court and Police Station.
5. The applicant-accused, after his release from the Jail shall submit his Passport, if any, to the concerned Police Station within 10 days.
6. Inform accordingly, to the D.G.P./PP and Police Officer of concerned Police Station.

(Soft copy of this order be sent to the concerned Jail Authority through E-mail for providing its copy to the applicant-accused.)

Date- 11/03/2026
Malegaon.

(K. R. Patil)
Addl. Sessions Judge, Malegaon.