

MHNS070006402026

Cri. Bail Appln. No. 253 of 2026



Devidas Krushnaji Mohite

Vs.

The State of Maharashtra &amp; 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.63/2026 registered at Vadner Khakurdi Police Station for the offence p/u/s. 137(2), 64(2)(m), 65(1) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter for short 'the B.N.S.') and and 4, 6, 8 and 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.6.

4. Heard, Shri.S.U. Nikam, 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 23/02/2026 and he is remanded in judicial custody since 26/02/2026. The investigation is practically complete, therefore, custody of the applicant-accused is not required. In the FIR itself it is stated that there was love affair between

the victim and applicant-accused. In the FIR age of the victim is stated as 15 years and 10 months and 17 days, therefore, she has attained the age of understanding. She on her own left the house to marry with the applicant-accused. Therefore, sections levelled could not be attracted against him. Age of the accused is 21 years and present case is of a love affair. 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 was having knowledge that the victim is below 18 years of age, still he enticed her and kidnapped her and committed sexual intercourse with her. Both are residents of same village, therefore, if bail is granted there is every possibility of applicant-accused committing similar kind of offence or more serious offence. The investigation is yet to be complete. If bail is granted, the applicant-accused would pressurize the informant, victim and other witnesses. Therefore, the application should be rejected.

7. Copy of FIR prima facie shows that it is registered on 23/02/2026 at 19.42 hrs. vide C.R. No.63/2026 registered at Vadner Khakurdi Police Station for the offence p/u/s. 137(2), 64(2)(m), 65(1) of the B.N.S. and and 4, 6, 8 and 12 of the POCSO Act. Age of the victim at the time of lodging of FIR is stated as 15 years 10 months and 17 days. In the FIR itself it is stated that victim has disclosed to her family members that she is in love with applicant-accused since three months and both had sexual intercourse for two or three times. I have

gone through the police papers submitted for perusal. The report is lodged by the father of the victim. It is alleged that the applicant-accused was having knowledge that the victim is below 18 years of age still he enticed her and kidnapped her and took away. It is also alleged that he committed sexual intercourse by giving promise of marriage to the victim.

8. It is to be noted that age of the applicant-accused is 21 or 22 years and prima facie it can be said that the victim and accused were in love with each other and victim on her own left the house of her parents. Considering the age of victim it can be said that she has attained the age of understanding and was knowing the consequences of leaving the parents house and going with applicant-accused. Considering the age of victim and accused, prima facie it can be said that the present case is of a love affair. Nothing is produced to show that the applicant-accused is having criminal antecedents. He is in Jail since 26/02/2026. 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 Devidas Krushnaji Mohite r/o. Pohane Tal. Malegaon, Dist. Nashik, who is in MCR/Jail in connection with C.R. No.63/2026 registered at Vadner Khakurdi Police Station for the offence p/u/s. 137(2), 64(2)(m), 65(1) of the Bhartiya Nyaya

Sanhita, 2023 and 4, 6, 8 and 12 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.