

MHPA010013642026

Nitin Ramkishan Maske

VersusState of Maharashtra,
Through Kotwali Police Station

ORDER BELOW EXH.1
(Passed on 18.06.2026)

This is an application under Section 482 of BNSS for releasing applicant / accused **Nitin Ramkishan Maske** on bail in the event of arrest in **Crime No.239/2026** for offences punishable under Sections 78, 64 (2) (i), 79, 356 (2) (3), 137 (2) of BNS and sec.4, 12 of POCSO Act registered with Kotwali Police Station.

2. Heard learned Counsel for applicant/accused and learned APP for the State. Perused say (Exh.6) filed by victim. It is case of prosecution that informant/victim is a girl of 16 years old. She has given complaint/report and alleged that now she is studying in 11th standard and studying at the house of her maternal aunt for the purpose of education in the college at Parbhani. In January 2024 she has suffered from join-dis. Therefore, she was sent to the house of elder maternal aunt for treatment. She resided at house of elder maternal aunt for a period of two months. In that period, she get to know the accused who was neighbour of the aunt.

3. Thereafter, they started talking with each other through phone, Instagram audio-video call, messages, etc.. On 9/2/2026 at about 11.00 am accused has made phone call to the victim and asked her to come with him for drive on motorcycle. Accordingly, they went at 12.00 noon on motorcycle No. MH-22-BG-3012. Accused has taken her via Tadkalas, Palam to Loha - Dist. Nanded in an agricultural land. At

about 3.00 pm in the agricultural land under the tree, accused has made sexual intercourse with victim. Thereafter, accused has taken her back at about 5.00 pm at Parbhani and left there. At that time, her aunt has inquired with the victim, where she was for entire day and why she has kept her mobile phone switched off. Victim told her aunt that she had been to wonder with accused. At that time, victim has not disclosed to her aunt about the sexual intercourse committed by accused with her. At that time, aunt, uncle and mother of victim have given understanding not to wonder and do study properly. Thereafter, the conversation between the accused and victim was stopped. Thereafter, the mother of victim has taken her to their native village. Thereafter, accused was trying to contact the victim by making phone on the mobile phone of her mother. On 16/5/2026 accused has posted story on his Instagram ID by uploading the photo of victim with tab line दुनिया मेरी, माझी बायको. Thereby accused has defamed the victim in the society.

4. Learned counsel for accused has argued that alleged incident had taken place on 9/2/2026 and 16/5/2026. FIR came to be lodged on 18/5/2026. However, there is no explanation about the delayed FIR/report. Applicant is young boy of 20 years old. He is doing job. He has no criminal antecedent. He has not committed any violent act. Learned counsel of applicant/accused relied on following case laws:-

(i) Vikas Uttam Kadam Vs. State of Maharashtra, ABA 2906/2022 dated 20/1/2023, Bom. HC.

(ii) Shepala @ Shyapala Mushhar Vs. In Re, 14/7/2025, CRM (A) 2055 of 2025,

(iii) Manihar Shoeb Munawar Hussain Vs. The State of Maharashtra,

ABA No.1493/2025, dated 29/9/2025, Bom. HC.

(iv) Shubham Sanjay Navghare Vs. The State of Maharashtra, BA No.180/2026, dated 30/3/2026, Bom. HC.

(v) Ganesh Budhaji Vishe Vs. The State of Maharashtra, ABA No.504/2022, dated 25/2/2022, Bom. HC.

(vi) Jayesh Digambar Shinde Vs. The State of Maharashtra, ABA No.584/2026, dated 20/4/2026, Bom. HC.

5. As per the reply filed by prosecution and the argument of learned APP, victim is 16 years old. Accused has committed sexual intercourse with her. Consent of minor for sexual intercourse is no consent at all. Custodial interrogation with applicant is necessary to recover the Instagram ID details because the accused has uploaded the photo of victim with tagline and thereby defamed her. The body samples of accused are required to be taken for DNA examination. Investigation is in progress. In view of above facts and circumstances and considering the seriousness of accused, accused may not be released on anticipatory bail.

6. Taking into consideration rival contention of the parties, it seems that victim was 16 years old at the time of incident dated 9/2/2026. Prima facie it seems that accused has committed sexual intercourse with the victim. In such facts and circumstances, there appears substance in the contention of prosecution that custodial interrogation with applicant is necessary. Moreover, his body samples for DNA and chemical analysis required to be collected. So also, the Instagram ID details are required to be collected because the photo of the victim was uploaded with the defaming tagline. Facts of the present

case and the above cited case laws are not identical and therefore, it is not helpful to the applicant. Considering entire facts and circumstances, it is not desirable to release applicant on anticipatory bail. Hence, I pass following order.

ORDER

Cri. Bail Application No.471/2026 is rejected.

Date : 18.06.2026.



(N.P. Tribhuwan)
Addl. Sessions Judge-1,
Parbhani.

Arguments heard on	17.06.2026
Judgment/order delivered on	18.06.2026
Dictated on	18.06.2026
Typed on	18.06.2026
Checked and signed on	18.06.2026

CERTIFICATE

I affirm that the contents of this PDF file Judgment/order is same and as per the original Judgment/order.

Name of Stenographer : Ramesh Annasaheb Kagbatte
Name of the Court : Addl. Sessions Judge-1, Parbhani
Date of Judgment/order : 18.06.2026
Judgment/order signed on : 18.06.2026
Presiding Officer : N.P. Tribhuwan
Judgment/order uploaded on : 18.06.2026