

MHST010010052026



Special Case No. 58/2026
ORDER BELOW EXHIBIT 6

(State of Maharashtra vs. Gaurish @ Gaurav Shankar Phulari)

1. This is an application filed by applicant Gaurish @ Gaurav Shankar Phulari, under Section 483 of Bharatiya Nagrik Suraksha Sanhita 2023 for releasing the accused on bail.
2. The informant has filed say vide Exh.09 and she has strongly opposed this application. The prosecution has also filed say at Exh.11 and resisted this bail application.
3. Heard. Perused the charge-sheet.
4. The Ld. advocate for the accused argued that, the accused is 22 yrs old and the victim is 15 yrs old. The alleged incident is consensual act. The history narrated to the doctor discloses the same. There are no previous antecedents against the accused. Hence, prayed for releasing the accused on bail.
5. On the other hand, it is argued by the Special PP that, consent is immaterial, as the victim is child and she is 15 yrs old. She has become pregnant. Hence, prayed for rejection of the application.

6. The FIR indicates that, the mother of the victim had lodged a report against the accused. The victim is 15 yrs old. The accused had been come to the house of the informant along with her friend Bhimabai Algunde in August 2025. The victim used to remain alone in the house. Two months before March 2026, when the informant returned home, she did not find victim in the house and the victim told her that she had been with the accused on his motorcycle. The informant told the victim not to go again with him.

7. Further FIR indicates that, on 14.03.2026, the victim started vomiting. Therefore, on 17.03.2026 the informant took the victim to the hospital, where it was revealed that the victim became pregnant. After asking about the same to the victim by the informant, she told that in the absence of parents, the accused used to come to the house and under pretext of marriage, from August 2025 to February 2026, the accused repeatedly established physical relations with her. Thereafter, the mother of the victim has lodged a report against the accused on 17.03.2026.

8. It reveals that, the victim's birth date is 12.06.2010. She has completed 15 yrs of her age. The accused is 22 yrs old. On perusal of FIR, it reveals that, the victim did not disclose to her mother the incidences allegedly occurred from August 2025 till 17.03.2026 i.e. till receiving report of her pregnancy. This fact needs to be considered as a conduct of the victim. Further, it reveals from her statement recorded u/s 183 of B.N.S.S. that, initial act of physical relations was consensual. Medico Legal

Report of sexual violence of the victim discloses that the victim narrated history to the doctor and disclosed that both were friends and had known each other, since a year. They were in contact and the victim liked accused and met him outside as well, without informing her parents. She willingly and consensually engaged in sexual intercourse with the accused. She has specifically denied the use of any kind of force or physical abuse to her by the accused.

9. Thus, prima facie it reveals that the victim and the accused were friends and with the consent of the victim, they engaged in physical relations and outcome is that she became pregnant.

10. The Ld. advocate for the accused has placed his reliance in **Mohammed Ajaan Khan vs. The State of Maharashtra & Anr., Bail Application No. 4621 of 2024 decided on 13.02.2025.** In the present case in hand also, admittedly the age of the victim is 15 yrs and the applicant is 22 yrs. The prima facie there is sufficient material on record shows that acts between the parties were consensual in nature.

11. It appears further that, the investigation has been completed. The trial will take its own time to complete. The accused being young offender of age 22 yrs old, during pendency of the trial, especially in consensual relationship, as discussed above, it is just and proper to release the accused on bail, so that the regressive influences of jail environment can be avoided.

Further, there are no criminal antecedents against the accused. Therefore, with respects, the principle held, in the above cited authority is applicable to the present set of facts.

12. Thus, in the above facts and circumstances, it is just and proper to release the accused on bail, by imposing conditions upon him. Therefore, the application is to be allowed, with this I proceed to pass the following order -

ORDER

- 1] The application is allowed.
 - 2] The accused Gaurish @ Gaurav Shankar Phulari shall be released on bail upon furnishing P.R. bond in the sum of Rs.50,000/- (Rs. Fifty thousand only) with surety in the like amount.
 - 3] The accused shall not tamper with the prosecution evidence in any manner and shall not enter in the residential area of the victim.
 - 4] The accused shall submit his address proof and phone details as well as phone details of his two close relatives to the investigating officer and the Court.
 - 5] Violation of any of the conditions imposed, shall amount the cancellation of bail forthwith.
 - 6] Application Exh.6 stands disposed of.
- (Dictated and pronounced in open Court.)

Date : 14.07.2026

Place : Satara.

(Smt. S.P Ponkshe)
Addl. Sessions Judge-3 &
Special Judge (POCSO), Satara