

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (BA) NO.396 OF 2022**

Sagar S/o Raju Satpute

**Versus**

State of Maharashtra, through P.S.O., P.S. Shirpur, Tq. Wani, Dist. Yavatmal and another

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

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Court's or Judge's Order

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Shri S.M. Lodha, Advocate for the applicant.

Shri A.M. Deshpande, A.P.P. for the non-applicant No.1/State.

**CORAM : ANIL S. KILOR, J.**

**DATED : 13/06/2022**

1. The applicant is seeking bail in Crime No.268 of 2021, dated 08.10.2021, registered with Police Station Shirpur, District : Yavatmal, for the offences punishable under Sections 376(3), 354-D, 341 and 506 of the Indian Penal Code and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act (hereinafter referred to as "POCSO Act").

2. Shri Lodha, learned counsel for the applicant submits that the medical report does not support the case of the prosecution and even the medical papers of the private hospital creates doubt as the victim was admitted to the private hospital on 06.10.2021 and she was discharged on 08.10.2021, whereas, the report is dated 11.10.2021.

3. He further submits that after completion of investigation, the charge-sheet has been filed and no further

custody of the applicant is necessary, in this case. Accordingly, he prays for grant of bail. The learned counsel for the applicant further states that he is ready to comply with the conditions, if the bail is granted.

4. On the other hand, Shri Deshpande, learned APP opposes the present application and submits that the offence is very serious and the victim was minor on the date of the incident. It is further pointed out that there was continuous harassment at the hands of the applicant to the victim which compelled her to consume Harpic (used for cleaning the toilets). It is further submitted that there is sufficient material to show the involvement of the applicant in the alleged offence. Accordingly, he prays for rejection of the present application.

6. I have perused the charge-sheet and also the contents of the First Information Report (FIR).

7. In this case, after completion of investigation, the charge-sheet has been filed. As such, the custody of the applicant is no more required. The medical report of the victim shows that, no injury was found on her body in genital area and no signs of struggle seen over her body on genital area of the victim. Thus, *prima facie* the medical report does not support the case of the prosecution.

8. In the circumstances, I am of the opinion that the applicant is entitled for grant of bail with certain conditions. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail in Crime No.268 of 2021, dated 08.10.2021, registered with Police Station Shirpur, District: Yavatmal, for the offences punishable under Sections 376(3), 354-D, 341 and 506 of the Indian Penal Code and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall not enter into the vicinity of village Punvat, Tq. Wani, Dist. Yavatmal till the conclusion of the trial.
- d) The applicant shall not tamper with the prosecution witnesses.
- e) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.

The criminal application is **disposed of**, accordingly.