



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.862 OF 2023

Mahesh S/o. Gopalprasad Rahangdale

.Vs.

State of Maharashtra, Through PSO, PS Lakadganj, Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr D. V. Chauhan, Counsel for the applicant

Mr S. S. Hulke, APP for the State

Mr R. M. Patwardhan, counsel for non-applicant No. 2

CORAM : SHIVKUMAR DIGE, J.

DATE : NOVEMBER 04, 2023

1. By this application, the applicant is seeking bail in Crime No. 162 of 2023 registered with Lakadganj police station, Nagpur for the offences punishable under Sections 376(1)(n), 376 AB, 506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. It is the prosecution's case that applicant was working as watchman in the building of first informant. On 15.04.2023, the victim told first informant that applicant had put his hand on her chest and he has put his finger on private part of victim. The victim told the first informant that applicant had committed said act for 3 -5 times on earlier occasion.

3. It is the contention of learned counsel for applicant that applicant has been falsely implicated in this case. The wrong sections are applied against the applicant. At the most, applicant can be prosecution under Section 354 of the Indian Penal Code. The victim refused to undergo medical examination. Applicant is behind bar for more than six months. Investigation is completed. Charge-sheet has been filed. Hence, requested to allow the application.

4. It is the contention of learned APP that victim is 9 years old. Applicant was working as Watchman in the building, where victim is staying. The watchman took victim in one room in parking area and put his hand on her chest and put his finger on private part of the victim. Applicant has committed same act on earlier occasions also. There is *prima facie* case against the applicant. If applicant is released on bail, he may threaten victim and prosecution witnesses and hence, requested to reject the application.

5. Learned counsel for non-applicant No.2 reiterated the submission of learned APP.

6. I have heard all learned counsel. Perused the FIR and charge-sheet.

7. The allegations against the applicant is that applicant has put hand on chest of victim and put his finger on private part of victim. The victim has refused to undergo medical treatment. The applicant is behind bar for more than six months. It may take time to conclude the trial. Considering this fact, I am inclined to allow the application and I pass following order.

- i) Criminal application is allowed.
- ii) Applicant- Mahesh S/o. Gopalprasad Rahangdale be released on bail in Crime No.162 of 2023, registered with Police Station Lakadganj, Nagpur on his furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.
- iii] The applicant shall not in any way tamper with the prosecution evidence.
- iv] The applicant shall not pressurize or threaten the prosecution witnesses.
- v] The applicant shall not enter the area where victim resides till recording of evidence of the victim.
- vi] The applicant shall attend the trial court on each and every day and co-

operate the trial court in expeditious disposal of the trial.

8. The criminal application stands **disposed of**, accordingly.

(SHIVKUMAR DIGE, J.)

Namrata