



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

CRIMINAL APPLICATION (BA) NO.172 OF 2024

(Suhas @ Golu s/o Yashwant Meshram Vs. State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. R.M. Daga, Advocate for the applicant.
Mr. A.B. Badar, APP for the State.
Mr. O. Deshpande, Advocate for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- APRIL 22, 2024.

By preferring this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure. The applicant came to be arrested on 03/11/2023 in connection with Crime No.523/2023 registered with Police Station New Kamptee, Nagpur for the offence punishable under Sections 354, 368, 506 of the Indian Penal Code (IPC) and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. The accusation against the present applicant is that victim girl who is 10 years old was taken by the present applicant at his house and he closed the door and threatened her. He submitted that from the statement of the victim no act is attributed to her to show that either she was subjected for sexual harassment or the sexual assault by the present applicant. For sufficient period he is already behind bar. The statement recorded by the police

as well as her statement under Section 164 of the Cr.P.C. no act is attributed to the present applicant to attract either sexual harassment or sexual assault. Considering now investigation is completed, charge-sheet is filed. Further custodial interrogation is not required. In view of that, he be released on bail.

3. Learned APP and learned Counsel for non-applicant No.2 strongly opposed the application on the ground that 10 years old girl is taken by the present applicant at his house, he closed the door, shows his intention, therefore, the application deserves to be rejected.

4. I have heard learned Counsel for both the parties. Perused the Investigation papers. The statement of the victim who is 10 years old is recorded by the police as well as the statement under Section 164 of the Cr.P.C. In both the statements, no role is attributed by her to the present applicant to attract the provisions of either POCSO Act or under the IPC. In fact, the allegation regarding the sexual harassment or sexual assault are not made in both the statements. Now the investigation is already completed and charge-sheet is already filed. Further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) The applicant – Suhas @ Golu s/o Yashwant Meshram in connection with Crime No.523/2023 registered with Police Station New Kamptee, Nagpur for the offence punishable under Sections 354, 368, 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on his executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant shall not enter into the vicinity of Ghorpad, Taluka Kamptee, District Nagpur or in her school i.e. Uccha Prathamik Shala, Ghorpad, Taluka Kamptee, District Nagpur till culmination of the trial.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

5. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)