



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

CRIMINAL APPLICATION (BA) NO.289 OF 2024

Sunil s/o Dattuji Gaikwad

Vs.

State of Maharashtra, Through Police Station Officer, Katol, District Nagpur
and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Sushila Bagade, Counsel h/f Ms. S. P. Chavhan, Counsel for the
applicant.

Ms. Trupti Udeshi, APP for non-applicant No.1/State.

Mr. Vinay Sharma, appointed Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 23/08/2024

1. The applicant came to be arrested on 29.08.2023 in connection with Crime No.1052/2023 registered with Police Station, Katol, District Nagpur for the offences punishable under Section 354-A of the Indian Penal Code and under Section 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. The crime is registered on the basis of report lodged by the mother of the victim on an allegation that she is serving in one Solar Company and her husband is agriculturists. The present applicant is her neighbour and there was family relations between the two families. On 28.08.2023 her husband had been to his work and her elder daughter attended the school and returned home at

about 11.00 a.m. Her another daughter is studying in 2nd standard. Thus, her two daughters aged about 7 years and 6 years were playing in the courtyard. She has not witnessed her elder daughter in the courtyard therefore, she inquired and thereafter, she witnessed that her daughter is coming out from the bathroom of the house of the present applicant. Another independent witness has also seen the victim girl and the present applicant inside the bathroom. Thereafter, the statement of the victim was recorded wherein she has stated that present applicant took her in the bathroom and asked her to touch his private part. On the basis of said report, police have registered the crime against the present applicant.

3. The present applicant is aged about 45 years and the victim girl is of a very tender age i.e. 7 years girl who was subjected for sexual harassment by the present applicant. Considering the allegations made against the present applicant which are of a severe nature. Moreover, the applicant is the neighbour of the informant therefore, the apprehension of tampering with the witnesses cannot be ruled out. Considering the gravity of the offence the application deserves to be rejected. Accordingly the application is rejected.

4. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)