



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

CRIMINAL APPLICATION (BA) NO.644 OF 2024
(Soheluddin s/o Alimoddin 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. C.B. Barve, Advocate for the applicant.
Ms S. Haider, APP for the State.
Mr. R.S. Bhalerao, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- NOVEMBER 21, 2024.

Heard.

2. By this application, the applicant is seeking bail as he came to be arrested on 17/03/2024 in connection with Crime No.165/2024 registered with Police Station Mangrulpir, District Washim for the offence punishable under Sections 363, 377 and 506 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

3. The crime is registered on the basis of report lodged by the father of the victim boy on an allegation that on 15/03/2024 when he returned from work, his son disclosed to him that one person by name Sameer has taken him on his motorcycle and subjected him for forceful sexual assault unnaturally. On the basis of said report, police have registered the crime against the present applicant. During investigation, the statement of the victim boy and the other child witnesses are recorded

who were along with the victim boy at the relevant time. The victim boy was also referred for medical examination. On the basis of report, police have registered the crime.

4. Learned Counsel for the applicant submitted that as far as the allegations are concerned which are not substantiated by any material. There was no injury found during the medical examination of the victim boy. Considering the same and the name narrated was Sameer and subsequently, the present applicant was shown to be an accused in the alleged crime. In view of that, he be released on bail.

5. Learned APP and learned Counsel for the victim strongly opposed the application and invited my attention towards various statements of the witnesses i.e. the child witnesses who were along with the victim boy at the relevant time when the victim boy was taken by the present applicant. Learned APP also invited my attention towards the history narrated by the present applicant before the Medical Officer and the memorandum statement which shows the involvement of the present applicant in the alleged offence. Considering the same, she submitted that the *prima facie* case is made out against the present applicant. Considering the nature of the offence, the application deserves to be rejected.

6. I have heard learned Counsel for both the parties. Perused the entire investigation papers from

which it reveals that victim boy has narrated about the alleged incident in detailed. The statement of the other child witnesses who were along with the victim boy at the relevant time also substantiates the same. Merely because there was no injury is not sufficient to disbelieve the version of the victim boy and other prosecution witnesses. Moreover, the history narrated by the present applicant before the Medical Officer and his memorandum statement also substantiates the allegations.

7. Considering the same, *prima facie* case is made out against the present applicant. Considering the nature of the offence which is grievous one wherein the victim boy was subjected for the forceful sexual assault by the present applicant. Hence, the application deserves to be rejected.

8. The application is rejected accordingly.

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

(URMILA JOSHI-PHALKE, J.)