



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

CRIMINAL APPLICATION (BA) NO.783 OF 2024

(Mangesh s/o Ashok Patil 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. P.C. Amesar, Advocate for the applicant.
Mrs. H.N. Prabhu, APP for the State.
Mr. V. Sharma, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 7, 2024.

By this application, the applicant is seeking bail as he came to be arrested on 31/01/2024 in connection with Crime No.1192/2023 registered with Police Station Pachpaoli, Nagpur for the offence punishable under Sections 363, 354, 354(A), 354(D) and 506(B) of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The crime is registered on the basis of the report lodged by the mother on an allegation that victim is 14 years old girl and was attending the school by travelling by bus. On 16/10/2023 she received a phone call of bus driver who informed her that her daughter get down from the bus on the pretext of stomach ache and as she is not feeling well and she has called one person by

telephonic call. On the basis of the said report, police have registered the crime against the present applicant. During investigation, the statement of the victim is also recorded who stated that present applicant was taking her for roaming as well as for movie and he subjected her for the sexual harassment.

3. Learned Counsel for the applicant submitted that as far as the allegation regarding sexual harassment is concerned which are false one. In fact, the applicant was helping her in various matters. Only because there was a quarrel between the parents of the victim and the present applicant this FIR is lodged.

4. Learned APP for the State strongly opposed the application and submitted that a small victim girl was subjected for sexual harassment by the present applicant who is 33 years old. Thus, considering that the applicant is in an authoritative position and there is likelihood of tampering of the witnesses. In view of that, the application deserve to be rejected.

5. Learned Counsel for non-applicant No.2 also reiterated the same contention and prays for rejection of the application.

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

reveals that there is no dispute as to the fact that the applicant is 33 years old whereas the victim is only 14 years girl. It reveals from her statement that the applicant was taking her for roaming as well as for movies, used to provide her sweets as well as the clothes and on that pretext he was taking her and subjecting her for the sexual harassment. The allegation of sexual harassment is to the extent of touching to the breast and forceful kiss. Now, investigation is completed and charge-sheet is filed. Only apprehension raised by the prosecution that he would tamper the prosecution evidence that can be taken care of by imposing certain conditions on the present applicant. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant - Mangesh s/o Ashok Patil in connection with Crime No.1192/2023 registered with Police Station Pachpaoli, Nagpur for the offence punishable under Sections 363, 354, 354(A)(D) and 506(b) 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 executing P.R. bond in the sum of Rs.25,000/- with one surety in the like amount.

(iii) The applicant shall not enter into the jurisdiction of police station pachpaoli, Nagpur, till culmination of the trial.

(iv) The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(v) The applicant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.

(vi) The applicant shall not induce, threat or promise any witnesses in any manner who are acquainted with the facts of the case.

(vii) The contravention of any of the condition would lead to the cancellation of bail.

7. The application is disposed of.

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

(URMILA JOSHI-PHALKE, J.)

**Divya*