



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

CRIMINAL APPLICATION (BA) NO.883 OF 2024
(Roshan Mohansing Pawar 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. A.D. Bhate, Advocate for the applicant.
Mrs. H.N. Prabhu, APP for the State.
Ms N.G. Choubey, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 18, 2024.

By this application, the applicant is seeking bail as he came to be arrested on 14/08/2024 in connection with Crime No.401/2024 registered with Police Station Khamgaon, District Buldhana for the offence punishable under Sections 75, 78, 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 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 father of the victim girl on an allegation that his daughter aged about 13 years was attending the school as well as the tuitions. She complained that the present applicant is sexually harassing her by stalking as well as by eve-teasing, and therefore, he went his house to enquire with him at the relevant time, he was assaulted by the present applicant. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the allegations are concerned which are baseless and false allegations. Now investigation is practically completed though charge-sheet is not filed, further incarceration of the present applicant is not required.

4. Learned APP and learned Counsel for non-applicant No.2 strongly opposed the application and submitted that a small girl of 13 years of age was not only eve-teased by the present applicant but she was sexually harassed. Considering the allegation against the present applicant, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the recitals of the FIR from which it reveals that the allegation against the present applicant is eve-teasing and stalking as well as assault on the father of the victim. Considering the fact that, now the investigation is practically completed but charge-sheet is yet to be filed; hence, the application deserves to be allowed by imposing certain conditions on the present applicant. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant - Roshan Mohansing Pawar in connection with Crime No.401/2024 registered with Police Station Khamgaon, District Buldhana for the offence punishable under Sections 75, 78, 115(2), 352, 351(2),

3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 12 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on executing PR. bond in the sum of Rs.25,000/- with one surety in the like amount.

(iii) The applicant shall not enter into the vicinity of village Khamgaon, District Buldhana, till culmination of the trial except attending the Court proceedings.

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

(v) The applicant shall not induce, threat or promise any witnesses in any manner who are acquainted with the facts of the case either personally or by way of electronic media.

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

6. The application is disposed of.

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

(URMILA JOSHI-PHALKE, J.)