



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

CRIMINAL APPLICATION (BA) NO.907 OF 2024

(Ashokprasad s/o Madhuprasad Dikshit 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. M.V. Rai, Advocate for the applicant.
Mrs. H.N. Prabhu, APP for the State.
Ms Ragini Swami, Advocate for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- NOVEMBER 12, 2024.

By this application, the applicant is seeking bail as he came to be arrested on 03/07/2024 in connection with Crime No.709/2023 registered with Police Station Sawangi Meghe, District Wardha for the offence punishable under Sections 376, 376(AB), 376(2)(f) and 506 of the Indian Penal Code and Sections 6 and 8 of the 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 girl on an allegation that the present applicant is the father-in-law of the informant and there is a dispute between them. Her daughter aged about 6 years was subjected for the sexual assault by the present applicant. It is alleged that he has inserted the cap of the tooth powder in the private part of the victim due to which she was having pains. 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 there was a property dispute between the mother of the victim and the present applicant, this false allegations are levelled against him. As far as the investigation part is concerned which is completed. The allegation is not substantiated by the medical certificate as no single injury is found on the person of the victim. Considering the fact that, now investigation is completed and charge-sheet is filed and the applicant is aged about 74 years, if he is kept behind bar his health would be deteriorated. In view of that, he be released on bail.

4. Learned APP and learned Counsel for non-applicant No.2 strongly opposed the application on the ground that considering the serious allegation against the present applicant and there is apprehension of tampering of the witnesses, the bail application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the entire investigation papers. It reveals that there was a previous dispute between the present applicant and the informant who is daughter-in-law of the present applicant. There was a property dispute. The allegation if taken into consideration, the statement of the victim as well as her parents support the case of the prosecution that the medical certificate nowhere shows any injury sustained by the victim. If the medical certificate is taken into consideration in the light of the

allegations, then the report is not substantiated by the medical evidence. But at this stage, it is not necessary to comment on the above said aspect. At this stage, considering the applicant is old aged person and the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. Hence, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
- (ii) The applicant – Ashokprasad s/o Madhuprasad Dikshit in connection with Crime No.709/2023 registered with Police Station Sawangi Meghe, District Wardha for the offence punishable under Sections 376, 376(AB), 376(2)(f) and 506 of the Indian Penal Code and Sections 6 and 8 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.
- (iii) The applicant shall stay out of the village Pipari Meghe, Taluka and District Wardha till culmination of the trial.
- (iv) The applicant shall furnish his detailed address where he intending to reside after he is released on bail along with address proof.

(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 directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case as well as the victim either personally or by way of electronic media.

6. The contravention of any of the condition imposed by this Court would lead to 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.)