



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

CRIMINAL APPLICATION (BA) NO. 914 OF 2024

Abhishek s/o Ashok Kotangale Vs State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Junaid Ahmed, counsel for the applicant.

Mrs. Shamsi Haider, APP for non-applicant/State.

Mr. R.S. Bhalerao, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 23/10/2024.

1. The applicant came to be arrested on 11/06/2024, in connection with Crime No. 257/2024 registered with Police Station Jaripatka, Nagpur for the offence punishable under Section 354 of the Indian Penal Code, 1860 read with Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. As per the allegations levelled on the basis of the report by the victim that on 01/04/2024, the wife of the present applicant was not at home, he called her at home for cleaning utensils, and when she has cleaned the utensils, he has outraged her for her modesty by hugging her. 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 false and baseless, due to the dispute between two neighbors. He

submitted that, now investigation is completed and charge-sheet is filed, further incarceration is not required, even there was no attempt to sexually assault the victim girl. As far as the criminal antecedents are concerned, he is already acquitted for the offence in crime No. 88/2017. For all above the grounds, he be released on bail.

4. Learned APP and learned counsel for non-applicant no. 2 strongly opposed the said application, on the ground that there are criminal antecedents of similar nature. The applicant has outraged the modesty of the victim by physically touching her. In view of that, the application deserves to be rejected.

5. After hearing both the sides, on perusal of the investigation papers, admittedly the prima-facie case is made out against the present applicant. Now, investigation is completed and charge-sheet is filed, the offence alleged to be punishable with imprisonment upto with three years. Considering all these aspects, the application deserves to be allowed. Accordingly, I proceed to pass the following order;

- a] The criminal application is allowed.
- b] The applicant – Abhishek s/o Ashok Kotangale, shall be released on bail, in connection with Crime No. 257/2024 registered with Police Station Jaripatka, Nagpur for the offence punishable under Section 354 of the Indian Penal Code, 1860

read with Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c] The applicant shall not enter into the jurisdiction of Jaripatka Police Station till culmination of the trial.
- d] The applicant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.
- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case either physically or through electronic media.
- f] The fees of the appointed counsel be quantified as per Rule.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]