



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

CRIMINAL APPLICATION (BA) NO.951 OF 2024

(Umesh s/o Tekchand Warkhade Vs. The 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. V.R. Borkar, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.
Ms P.D. Pisurde, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 22, 2024.

By this application, the applicant is seeking bail as he came to be arrested on 09/09/2024 in connection with Crime No.645/2024 registered with Police Station Tiroda, District Gondia for the offence punishable under Section 79 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 report lodged by mother of the victim girl on an allegation that on 09/09/2024 the daughter of the complainant was on bus stop intending to go Tiroda, at the relevant time, accused came on his motorcycle and asked his daughter to accompanying him and took her at his motorcycle and on the way he asked his daughter that she should come along with him in the forest as well as he also expressed that he likes her. On the basis of 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 there is no allegation that either present applicant has physically touched her, at the most the offence which attributed against the present applicant is sexual harassment for which the punishment of maximum 3 years is provided. He submitted that further incarceration of the present applicant is not required as nothing is to be recovered from him. 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 allegation against the present applicant there is every apprehension to the victim that he would sexually assault her. Hence, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. On perusal of the FIR as well as investigation papers, further incarceration of the applicant is not required as nothing is to be recovered from him. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Umesh s/o Tekchand Warkhade in connection with Crime No.645/2024 registered with Police Station Tiroda, District Gondia for the offence

punishable under Section 79 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 induce, threat or promise any witnesses, including the victim, in any manner who are acquainted with the facts of the case either personally or by way of electronic media.

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

(v) The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 AM and 1.00 PM, till filing of the charge-sheet and shall cooperate with the investigating agency.

(vi) The applicant shall not enter into the vicinity of village Kodebarra, Taluka Tiroda, District Gondia till culmination of the trial.

(vii) 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.)

**Divya*