



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

CRIMINAL APPLICATION (BA) NO. 991 OF 2024

Santosh s/o Narayan Nirmal 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. K.J. Topale, counsel for applicant.

Mr. K.R. Lule, APP for non-applicant/State

Mr. Nikhil D. Dawda, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/11/2024.

1. The applicant came to be arrested on 15/09/2024 in connection with Crime No. 345/2024 registered with Police Station Nandgaon Khandeshwar, Tq. and District Amravati for the offence punishable under Sections 75(1)(i), 75(2) and 351(2) of the Bhartiya Nyay Sanhita, 2023.

2. The allegation against the present applicant is that on 13/09/2024, when she was alone in the house, at about 11.45 a.m. and standing at the door of the house, the present applicant gave her signals. It is further alleged that the present applicant has also telephonically called her and shared with her the obscene comments and also asked for sexual favours. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant, who submitted that the applicant was attempting to settle the dispute between the victim and his sister, due to which the

informant has implicated him in a false crime. He submitted that as far as further incarceration of the applicant is concerned, which is not required, and also the investigation is already completed. He further submitted that considering the nature of the offence, for which the punishment is not more than three years is provided. In view of that, the application deserves to be allowed.

4. Learned APP and learned counsel for the victim strongly opposed the said application on the ground that considering the nature of the offence and the words used by the present applicant, there is every likelihood of repeating the similar type of offence. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that there was some dispute between the sister of the present applicant and the victim. It further appears that the alleged offence, wherein it is alleged that the present applicant has sexually harassed the victim for which punishment upto three years is provided. Considering now, the investigation is already committed, and the charge sheet is filed, further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

a] The criminal application is **allowed**.

- b] The applicant – **Santosh s/o Narayan Nirmal**, shall be released on bail, in connection with Crime No. 345/2024 registered with Police Station Nandgaon Khandeshwar, Tq. and District Amravati for the offence punishable under Sections 75(1)(i), 75(2) and 351(2) of the Bhartiya Nyay Sanhita, 2023, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not induce, threat of promise any witnesses who are acquainted with the facts of the present case.
- d] The applicant shall not enter into the vicinity of the village Nandgaon Khandeshwar, Tahsil and District Amravati till culmination of the trial.
- e] The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
- f] The fees of the appointed counsel be quantified as per Rule.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]