



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

CRIMINAL APPLICATION (BA) NO.1098 OF 2024

(Harshal s/o Rajesh Shahu and anr. 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. S.V. Sirpurkar, Advocate for the applicants.
Ms T. Udeshi, APP for the State.
Ms R.M. Mishra, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- DECEMBER 12, 2024.

Heard.

2. By this application, the applicants are seeking bail as they came to be arrested on 13/10/2024 in connection with Crime No.563/2024 registered with police station Beltarodi, Nagpur for the offence punishable under Sections 115(2), 137, 140(2), 296, 3(5), 308(4) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegations against the present applicants is on the basis of report lodged by the victim on an allegation that on 12/10/2024 he had been to Lakshved Garden, near Narendra Nagar, Nagpur to participate in Garba Night festival. He was forcibly put in a Car and was beaten by the applicants. He was also taken to the isolated place wherein the applicants forced him to remove his clothes and apologize. The applicants have also

videographed him in a nude and the demand of Rs.5000/- was also made from him. The victim has paid Rs.3000/- and the amount of Rs.2000/- was transferred online on the mobile phone of one Ishan Patil. On the basis of the said report, police have registered the crime against the present applicants.

4. Learned Counsel for the applicant submitted that considering the allegation as it is, the offences alleged are punishable with imprisonment less than 7 years. Now, investigation is completed, charge-sheet is filed. The applicants cannot be kept behind bar by way of punishment. He submitted that the statements of the witnesses are not sufficient to connect the present applicants with the alleged offence. In view of that, they be released on bail.

5. Learned APP and learned Counsel for non-applicant No.2 strongly opposed the application and submitted that the manner in which the victim boy was taken by the present applicants and the manner in which he was treated is to be taken into consideration. The victim boy is below 18 years of age. He was taken by the present applicants, forced him to remove his clothes and his nude photographs and videograph was taken and by threatening him that it would be made viral, the amount was extracted from him. Thus, considering that he was beaten by the present applicants and his nude photographs and videographs was taken and the manner

in which he was treated is to be taken into consideration and hence, the application deserves to be rejected.

6. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the involvement of the present applicants appears from the statements as well as the investigation papers. The statement of the victim clearly shows that he was not only beaten by the present applicants but he was abducted and the extortion amount was demanded from him and Rs.3000/- was accepted from him. Considering the statements of the witnesses admittedly, *prima facie* case is made out but considering now investigation is completed and charge-sheet is filed and the applicants cannot be kept behind bar by way of punishment, the application deserves to be allowed. At the same time, some conditions require to be imposed on the present applicants. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicants – 1) Harshal s/o Rajesh Shahu and 2) Prayag s/o Ravindra Meshram in connection with Crime No.563/2024 registered with police station Beltarodi, Nagpur for the offence punishable under Sections 115(2), 137, 140(2), 296, 3(5), 308(4) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 8 of the Protection

of Children from Sexual Offences Act, 2012, be released on bail on executing P.R. bond of Rs.25,000/- each with one solvent surety each in the like amount.

(iii) The applicants shall not enter into the vicinity of Narendra Nagar, Nagpur till culmination of the trial.

(iv) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case including the victim either personally or by way of electronic media.

(v) The applicants shall not indulge themselves in similar type of the activities. If a single offence registered against the present applicants the prosecution is at liberty to approach to this Court for 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.)