



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

CRIMINAL APPLICATION (BA) NO. 1103 OF 2024

Asmit Lakhanlal Khobragade Vs The 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. V.N. Morande, counsel for applicant.

Mr. S.V. Narale, APP for non-applicant/State.

Ms. Kirti Deshpande, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/12/2024.

1. The applicant came to be arrested on 29/01/2024, in connection with crime no. 244/2023 registered with Police Station Kurkheda, District Gadchiroli for the offences punishable under Sections 363, 376, 376(2)(j)(n), 342, 506 read with Section 34 of the Indian Penal Code, 1860 and Sections 4,6,8, 12 and 17 of the Protection of Children from Sexual offences Act.

2. Learned counsel for the applicant submitted that a crime is registered against the present applicant and the other co-accused on the basis of the report lodged by the victim girl, who is aged about 16 years and 9 months, who alleged that in the function at her uncle's house, she got acquaintance with the present applicant. Thereafter, the present applicant used to call her on the phone of her friend and also expressed that he wanted to marry her. She has narrated the incident dated 12/6/2023, 14/6/2023, and 15/6/2023. She submitted that on 15/06/2023, when

she was sleeping in the courtyard of the house, the present applicant came there, called her, and took her along with him and subjected her for forceful sexual assault. On 05/12/2023, he also forcefully took her on the motorcycle, and at the relevant time, the present applicant assisted the other co-accused who were subjected for the sexual assault. On the basis of the said report, police have registered the crime against the present applicant.

3. He submitted that considering the statement of the victim, the only role attributed to the present is that he has assisted the co-accused and not informed the police about the said incident. At the most, the allegation of abetment is levelled against the present applicant. Now, the investigation is already completed, and charge-sheet is already filed, further incarceration of the present applicant is not required. The other co-accused, the similar role is assigned is already released on bail. In view of that, the application is deserves to be allowed.

4. Learned APP and learned counsel for the victim strongly opposed the said application on the ground that, considering the statement of the victim, the role of the abetment is attributed to the present applicant. In view of that, the application deserves to be rejected.

5. Learned APP further submitted that there are criminal antecedents against the present applicant, in view of that, the application deserves to be rejected.

6. After hearing both sides and on perusal of the investigation papers, the allegation of the sexual assault is levelled against the other co-accused. As far as the present applicant is concerned, only allegations to the extent of abetment are there, and that abetment is in the nature that the present applicant assisted the other co-accused to the victim along with him. Thus, considering the role attributed to the present applicant, the applicant has made out a case for grant of bail, as far as the contention of the learned APP is concerned, that there are criminal antecedents against the present applicant, and it is not sufficient to reject the bail application of the present applicant. Considering all these aspects, the applicant has made out a case for grant of bail. In view of that, I proceed to pass the following order.

- a] The criminal application is **allowed**.
- b] The applicant – *Asmit Lakhanlal Khobragade*, shall be released on bail, in connection with crime no. 244/2023 registered with Police Station Kurkheda, District Gadchiroli for the offences punishable under Sections 363, 376, 376(2)(j)(n), 342, 506 read with Section 34 of the Indian Penal Code, 1860 and Sections 4,6,8, 12 and 17 of the Protection of Children from Sexual offences Act, on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

- c] The applicant shall not enter into the vicinity of Tah. Dhanora, Tah. Kurkheda District Gadchiroli, till culmination of the trial.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]