



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

**CRIMINAL APPLICATION (BA) NO.1175 OF 2023**

Ishwar s/o Adinath Nandane

Vs.

State of Maharashtra, Through Police Station Officer, Nagpuri Gate,  
District Amravati and another

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

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Mr. M. V. Rai, Advocate for applicant.

Mr. Nikhil Joshi, APP for respondent No.1/State.

Ms. Jayanti Deshpande, appointed Advocate for respondent No.2.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATED : 22/02/2024**

1. The applicant came to be arrested on 13.09.2023 in connection with Crime No.464/2023 registered with Police Station Nagpuri Gate, District Amravati for the offence punishable under Sections 354, 354-D, 323, 504 read with Section 34 of the Indian Penal code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The accusation is against the present applicant on the basis of report lodged by the mother of the victim girl alleging that on 08.09.2023 at about 6.00 p.m. while she was working in the agricultural field received a phone call that her daughter is vomiting. When the father of the victim reached to the home the victim informed that, she is vomiting as she has consumed some poison and therefore, she was taken to the hospital. After discharge from the

hospital, victim was consoled by the parents and then she disclosed that the present applicant harassing her from last two months and on 08.09.2023 when she was returning from the school, the applicant came behind the school and hold her hand, outraged her modesty and also slapped her, therefore she came home and consumed the poison. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel Mr. Rai for the applicant submitted that as far as the allegations are concerned, now investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. The offences alleged are not punishable with imprisonment more than seven years. In view of that, the applicant be released on bail.

4. Learned APP strongly opposed the application on the ground that *prima facie* case is made out against the present applicant. Due to the act of the present applicant, she consumed the poison, however, she survived.

5. Learned Counsel for the respondent No.2 also endorsed the same contentions and submitted that application deserves to be rejected.

6. Having heard the learned Counsel for the applicant, learned Counsel for the respondent No.2 and learned APP for the State. There is no dispute as

to the fact that the allegation against the present applicant is of sexual harassment. The victim is aged about 13 years. Considering the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required and therefore, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order.

**ORDER**

- (i) The application is allowed.
- (ii) The applicant **Ishwar s/o Adinath Nandane** shall be released on bail in connection with Crime No.464/2023 registered with Police Station, Nagpuri Gate, District Amravati for the offence punishable under Sections 354, 354-D, 323, 504 read with Section 34 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on executing PR bond in the sum of Rs.25,000/- with one surety in the like amount.
- (iii) The applicant shall not enter into the vicinity of Adarsh Nagar, Sukali Gram Vanarashi, till the culmination of the trial.
- (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**