



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 BAIL APPLICATION NO. 1998 OF 2025

BALU ALIAS SHRIKANT APPARAO DABBE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for applicant : Mr. Abhinay Khot a/w Mr. Ojas Deshpande
h/f. Mr. Santosh S. Patil
APP for the respondent – State : Ms. R.R. Tandale
Advocate for respondent no. 2 : Ms. Ranjita Mahajan (appointed)
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 16 DECEMBER 2025

PER COURT :

The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 232 of 2024 dated 07.07.2024 registered with Devni Police Station, Dist. Latur for the offences punishable under section 65(2) of the Bharatiya Nyaya Sanhita, 2023, under section 4, 6 of the Protection of Children From Sexual Offences Act, 2012.

2. In the alleged incident dated 07.07.2024, the neighbour has lodged a complaint with an assertion that the present applicant had sexually harassed the minor girl, who is of 8 years. The complaint alleging that, the victim was accompanied with her friend and it is thereafter, the present applicant has committed the alleged offence.

3. Learned counsel for the applicant submits that the applicant is falsely implicated. It is further submitted that the medical evidence of examination of the victim does not support the case of the prosecution. The statement of the child, who was accompanied with the victim also falsifies the case of the prosecution. There are no criminal antecedents against the applicant. The investigation is complete and charge-sheet is also filed. In that view of the matter, the applicant may be admitted to bail.

4. On the contrary, learned APP assisted by the learned counsel for the respondent no. 2 have vehemently opposed the application, submitting that the applicant has sexually harassed girl of 8 years and statement of the victim is also recorded, substantiates the allegations in the complaint. Therefore, the applicant is not entitled for bail.

5. Upon considering the submissions of both the sides and perusing the material on record, predominantly, the medical evidence and the statement of the accompanying daughter which is recorded under section 183 of the BNSS. The accompanying child unequivocally states that she was instructed to approach to the mother of the victim about the alleged incident. Thus, in absence of corroborating medical examination, wherein the Doctor has opined that there is no injury to

the genital, prima facie, does not support the case of prosecution. As such, case is made out warranting exercise of discretion in favour of applicant.

6. Apart from the aforesaid aspect, the investigation is complete and the charge-sheet is also filed. In that view of the matter, case is made out for grant of bail.

7. Resultantly, the following order :-

ORDER

(I) Application is allowed.

II) Applicant – Balu Alias Shrikant Apparao Dabe, be released on regular bail upon furnishing P.R. bond in the sum of Rs.50,000/- (Fifty Thousand only) with one or two local solvent sureties in the like amount, in connection with Crime No. 232 of 2024 dated 07.07.2024 registered with Devni Police Station, Dist. Latur for the offences punishable under section 65(2) of the Bharatiya Nyaya Sanhita, 2023, under section 4, 6 of the Protection of Children From Sexual Offences Act, 2012, on the following conditions :-

- (a) After his release from jail, the applicant shall report to the Investigating Officer as and when called for.
- (b) The applicant shall attend the trial Court every month between 11.00 am to 1.00 pm. to mark his presence.

- (c) Applicant shall co-operate with the conduct of trial and attend trial Court on all dates unless specifically exempted and will not take any unnecessary adjournment.
- (d) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court.
- (e) The applicant shall not influence with any of the prosecution witnesses or tamper with the evidence, in any manner.
- (f) Before his actual release from jail, the applicant shall furnish his address where he propose to reside after his release from jail, to the concerned Police Station and also to the Trial Court.
- (g) In case of infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall entail the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.
- (h) Needless to states that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

8. Fees of Ms. Ranjita Mahajan, Advocate who is appointed to represent respondent no. 2, be quantified and paid to her, by the High Court Legal Services Sub-Committee at Aurangabad, as per rules.

[SACHIN S. DESHMUKH]
JUDGE

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