



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

**CRIMINAL APPLICATION (BA) NO. 14 OF 2025**

Buddhubhushan s/o Vijay Pahurkar Vs State of Maharashtra and another.

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

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Court's or Judge's Order

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Mr. S.V. Sirpurkar, counsel for applicant.

Mrs. Swati Kolhe, APP for non-applicant/State.

Ms. Aastha Sharma, counsel (appointed) to non-applicant No.2.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 04/04/2025.**

1. The applicant came to be arrested on 17/08/2024 in connection with Crime No.221/2024 registered with Police Station Tamgaon, Buldhana for the offences punishable under Sections 376, 376(2), 376 (2)(j), 376(2)(f), 376(2)(i), 376(2)(n), 376(3), 354, 354(A), 354(D), 452, 504, 506 of the Indian Penal Code, 1860 along with Sections 4, 8, 10, 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The crime is registered against the present applicant on the basis of a report lodged by the victim, on an allegation that she is studying in 11<sup>th</sup> Standard. The present applicant is her cousin and resides near her house. During the lock-down period, he used to visit her house as well as she was also visiting his house, and the present applicant has shown us some obscene videos on his mobile phone and also touched her indecently and

also subjected her for forceful sexual assault. On the basis of the said report, police have registered the crime against the present applicant.

3. The learned counsel for the applicant submitted that there was a love affair between the victim and the present applicant. The victim has sent various letters to the present applicant saying there there was a love affair between them. However, due to some discord was there, therefore, this false report is lodged against the present applicant.

He invited my attention towards the said letters and submitted that, after considering the language used in the said letters, it can be ascertained that no such alleged incident has taken place, but it was out of a love affair; there was a physical relationship. Now, the investigation is already completed, the charge-sheet is filed, and further incarceration of the present applicant is not required.

4. The learned APP and learned counsel for the victim strongly opposed the said application on the ground that victim is below 18 years of age and her consent is not relevant, in view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, the allegation is that the present applicant, who is her cousin, has shown her obscene

photographs and subjected her for forceful sexual assault. The letters, which are produced by the learned counsel for the applicant, show the relationship was of love affair. Now, the investigation is already completed, and the charge-sheet is already filed. In view of the above facts and circumstances, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is **allowed**.
- b] The applicant – ***Buddhubhushan s/o Vijay Pahurkar***, shall be released on bail in connection with Crime No.221/2024 registered with Police Station Tamgaon, Buldhana for the offence punishable under Sections 376, 376(2), 376(2)(j), 376(2)(f), 376(2) (1), 376(2)(n), 376(3), 354, 354(A), 354(D), 452, 504, 506 of the Indian Penal Code, 1860 along with Sections 4, 8, 10, 12 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P. R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not enter into the vicinity of village Tamgaon, Tah. Sangrampur District Buldhana till culmination of the trial.

- d] The applicant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.
- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case including the victim either by physical mode or through the electronic media.
- f] The fees of the appointed counsel be quantified as per rule.

6. The criminal application is **disposed of** accordingly.

[URMILA JOSHI-PHALKE, J.]