



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

CRIMINAL APPLICATION (BA) NO.44 OF 2025

Sheshrao Madhavrao Somkuwar

Vs.

The State of Maharashtra, through Police Station Officer, Wathoda Police
Station Nagpur and another

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

Court's or Judge's orders

Ms Kirti Satpute, Counsel for the applicant.

Mrs Ritu Sharma, APP for non-applicant No.1/State.

Mr. Vinay V. Sharma, Counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 16/04/2025

1. Heard.

2. By this application the applicant is seeking for grant of bail as he came to be arrested on 10.10.2024 in connection with Crime No.503/2024 registered with Police Station, Wathoda District Nagpur for the offences punishable under Sections 74, 75, 78, 281, 125(a), 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') read with Sections 8 and 12 of the Protection of Children from the Sexual Offences Act, 2012 (for short, 'POCSO') Act.

3. The crime is registered on the basis of the report lodged by victim girl who is about 17 years old, on an allegation that at the relevant time she

was studying at 12th standard and present applicant was residing near to her house. It is alleged that the applicant was having ill intention about her. On 22.08.2024 he held her hand and was asking her why she is not talking with him. Thereafter the second incident narrated by her is of 05.09.2024 wherein she has alleged that when she was proceeding along with her brother the present applicant gave cut to their vehicle due to which she fell on the ground and sustained the injuries. On the basis of the said the report, the police have registered the crime against the applicant.

4. Learned counsel for the applicant who submitted that as far as the allegations are concerned which are levelled against the present applicant due to previous enmity between two families. She submitted that now investigation is already completed. Charge-sheet is filed. Further incarceration of the present applicant is not required. The offences alleged against the present applicant are not punishable more than seven years. In view of that, the appellant be released on bail.

5. Learned APP for the State and learned counsel for the victim strongly oppose the application and submitted that if the accused is released on bail, there is every apprehension of endeavouring the life of the victim. Moreover, there are two incidents one by one, which are committed by the present

applicant. Considering the nature of the incidents, the intention of the present applicant is clear. In view of that, the application deserves to be rejected.

6. After hearing both sides and on perusal of investigation papers, it reveals that the present applicant, who is 53 years old man, harassed the victim girl when she was proceeding to the school. As far as the allegations are concerned there is nothing on record at this stage to show that there is any reason for the victim to implicate the present applicant with the alleged offence. However, considering the nature of the crime for which the punishment of up to seven years is provided and only apprehension raised is that there is a likelihood of tampering with the prosecution evidence. It can be taken care of by imposing appropriate conditions on the applicant. In view of that, the application deserves to be allowed.

8. Accordingly I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant- **Sheshrao Madhavrao Somkuwar** shall be released on bail in connection with Crime No.503/2024 registered with Police Station, Wathoda District Nagpur for the offences punishable under Sections 74, 75,

78, 281, 125(a), 351(2) of the BNS, 2023 read with Sections 8 and 12 of the POCSO Act, 2012 on executing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.

(iii) The applicant shall not reside in Nagpur City and shall not enter in the vicinity of Nagpur city except attending the court proceeding.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(v) The applicant shall attend the proceeding before the Special Court without seeking any exemption unless there are exceptional circumstances.

(vi) The applicant shall attend the concerned police station Badchicholi Tahsil Pandurna District Chindwara (M.P.) twice in a month 1st and 15th of every month till culmination of the trial.

(vii) The applicant shall furnish the detail address along with address where he is intending to reside after he is released on bail.

9. The fees of the appointed counsel for the victim be quantified as per rules.

10. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)