



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

CRIMINAL APPLICATION (BA) NO.62 OF 2025

Shubham s/o Laxman Rathod

Vs.

State of Maharashtra, through Police Station Officer, Police Station, Pusad
Gramin, District Yavatmal and another

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

Court's or Judge's orders

Mr. R. J. Mirza, Counsel for the applicant.

Ms. T. H. Udeshi, APP for non-applicant No.1/State.

Mr. J. S. Wankhede, appointed Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 25/03/2025

1. The applicant came to be arrested on 06.09.2024 in connection with Crime No. 687/2024 registered with Police Station Pusad Rural, District Yavatmal for the offence punishable under Sections 74, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard learned Counsel for the applicant, who submitted that the crime is registered on the basis of report lodged by the mother of the victim girl on an allegation that the victim girl was subjected for the sexual harassment by the present applicant and on inquiry with him, he also slapped her. On the basis of the said report, police have registered the crime. He submitted that due to the previous dispute, on the

baseless allegation, the applicant is arraigned as an accused. Now the investigation is already completed, charge-sheet is filed. As far as the further incarceration is concerned, which is not required, in view of that, he be released on bail.

3. Learned APP strongly opposed the said application on the ground that nine years girl is subjected for the sexual harassment and not only the sexual harassment, but the present applicant has thrown chilli powder in her eyes and on inquiry, by the complainant, he also assaulted her. Thus, considering the conduct of the present applicant, the application deserves to be rejected.

4. Learned Counsel for the complainant supported the contention of the learned APP.

5. After hearing both sides and on perusal of the investigation papers, it reveals that there is a previous dispute between the applicant and the family of the victim. As far as the allegations are concerned, which are also substantiated by the medical certificate of the informant. The involvement of the present applicant is revealed, however, considering the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that 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 **Shubham s/o Laxman Rathod** shall be released on bail in connection with Crime No.687/2024 registered with Police Station Pusad Rural, District Yavatmal for the offence punishable under Sections 74, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and under 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 solvent surety of the like amount.
- (iii) The applicant shall not enter into the vicinity of village Wakad, Taluka Mahagaon, District Yavatmal 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.
- (v) The applicant shall attend the proceeding before the Special Court without seeking any exemption unless there are exceptional circumstances.
- (vi) The applicant shall furnish the detailed address where he is intending to reside along with the names of his two relatives and their addresses with the address proof.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)