



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.63 OF 2025

(Avinash Hanumanta Pawar Vs. State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. S.B. Narwade, Advocate for the applicant.
Mrs. H.N. Prabhu, APP for the State.
Mr. A.S. Shukla, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 4, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 22/10/2023 in connection with Crime No.589/2023 registered with police station Mahagaon, District Yavatmal for the offence punishable under Sections 376-D read with Section 34 of the Indian Penal Code.

2. The allegation against the present applicant and other co-accused is that when the victim was proceeding to answer the nature's call, at the relevant time, somebody from her backside closed her mouth and dragged her and subjected her for the sexual assault. They were the present applicant and the co-accused. She shouted for help and thereafter she heard the noise of her mother. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that from the recitals of the panchnama nowhere it reveals

that such type of incident had taken place at the spot of incident. In fact, no such incident has taken place, the applicant is implicated falsely. Other co-accused who is child in conflict with law is already released on bail. For all these reasons, the applicant be released on bail.

4. Learned APP and learned Counsel for the victim strongly opposed the application on the ground that the statement of the victim which is substantiated by the medical certificate, sufficiently shows that there is a *prima facie* material against the present applicant. Hence, prays for rejection of the application.

5. I have heard learned Counsel for both the sides. Perused the investigation papers from which it reveals that the victim was subjected for the sexual assault. She shouted for help and thereafter her mother came there and the child in conflict with law is caught at the same place whereas present applicant fled away from the spot of incident. Thus, considering the statements of the witnesses and statement of the victim, at this stage, there is a *prima facie* material against the present applicant to connect him with the alleged offence. Considering the nature of the offence, the application deserves to be rejected.

6. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)