



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

CRIMINAL APPLICATION (BA) NO.55 OF 2025

Meraj Ali Ainul Hasan

Vs.

The State of Maharashtra, through Police Station Officer, Police Station,
New Kamptee 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

Mr. Mir Rizwan Ali, Counsel for the applicant.

Ms Sneha Dhote, APP for non-applicant No.1/State.

Ms Ragini Swami, Counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/03/2025

1. The applicant came to be arrested on 01/05/2024 in connection with Crime No.235/2024 registered with Police Station, New Kamptee District Nagpur, for the offences punishable under Sections 376, 417, 341, 506 and 34 of the Indian Penal Code (for short, 'I.P.C.') and under Sections 4, 6, 8, 10 and 12 of the Protection of Children from Sexual Offences Act (for short, 'POCSO Act').

2. The crime is registered on the basis of the report lodged by the victim on an allegation that on 22.03.2024 she has received the message on her Instagram account of one Amaan and therefore, she left the house. At the relevant time said Amaan came and took her at his house wherein she was subjected for forceful sexual assault. It is alleged that the

friend of the said Amaan i.e present applicant has also subjected her-qua the forcible sexual assault. On the basis of the said report police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant who submitted that initially bail application was withdrawn and liberty was granted to the applicant to prefer an application after C.A. reports are received. Now CA reports are received and none of the CA reports implicate the present applicant in the alleged offence. He also invited my attention towards the medical examination and submitted that the story narrated by the victim itself is improbable as though CA held that both accused have subjected her for forceful sexual assault, but no injuries are found on her person. He further submitted that though victim has travelled along with the co-accused and was having an opportunity to make hue and cry she has not made grievances. All these circumstances sufficiently show that false allegation are leveled against the present applicant. Now investigation is completed. Charge-sheet is already filed. Further incarceration is not required. In view of that the applicant be released on bail.

4. Learned APP and learned Counsel for the victim strongly opposes the application on the ground that the statement of the victim shows the involvement of the present applicant in the alleged

offence. Not the applicant but the other persons have also subjected her for forceful sexual assault. Though investigation is completed but considering the nature of the offence the application deserves to be rejected.

5. After hearing both the sides and on perusal of investigation papers, it reveals from the statement of the victim that she made allegations against the present applicant and other persons. They all have subjected her for forceful sexual assault. Her medical examination is carried out. No injuries are found on her. The CA reports are already received wherein also no blood stains and no semen stains are found either on the clothes or on the person of victim. Admittedly at this stage evidence is not appreciable but to ascertain the prima-facie case, at this stage the material which is placed on record appears to be doubtful. However whether the involvement of the present applicant is there or not is a matter of this case. At this stage the investigation is completed and considering the nature of the evidence the applicant has made out the case for grant of bail. Accordingly I proceed to pass following order:

ORDER

- (i) The application is allowed.

(ii) The applicant **Meraj Ali Ainul Hasan**, shall be released on bail in Crime No.235 of 2024, registered with Police Station New Kamptee District: Nagpur for the offences under Sections 376, 417, 341, 506 and 34 of the Indian Penal Code and under Sections 4, 6, 8, 10 and 12 of the POCSO Act 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 directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

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

(v) The applicant shall not leave the jurisdiction of the Nagpur District without permission of the Special Court.

(vi) The applicant shall not enter vicinity of Kamptee till culmination of the charge.

(vii) The applicant shall attend the concerned Police Station once in a month on 5th of every month and Police Station Officer shall record his presence.

(viii) The applicant shall furnish his cell phone number and address with the address proof before the Sessions Court.

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

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)