



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

CRIMINAL APPLICATION (BA) NO.83 OF 2025

(Amol s/o Anand Meshram Vs. The 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.J. Chavhan, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.
Ms V.A. Warade, Advocate (appointed) for non-applicant No.2.

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

Heard.

2. By this application, the applicant is seeking bail as he came to be arrested on 20/10/2023 in connection with Crime No.142/2023 registered with police station Ram Nagar, Gondia, District Gondia for the offence punishable under Sections 376(2)(f), 500 and 506 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

3. The crime is registered on the basis of report lodged by the victim girl on an allegation that the applicant who is her brother-in-law subjected her for the forceful sexual assault in the month of September, 2021 and also obtained her obscene photographs and circulated it. On the basis of the said report, police have registered the crime against the present applicant.

4. Learned Counsel for the applicant submitted that due to the dispute between the sister of the victim and the present applicant, this false allegations are levelled against him. He further submitted that the evidence of the victim is already recorded. He placed on record the copy of the deposition and pointed out that the delivery of the sister of the victim was in the month of August whereas the allegation is that as her sister has delivered a child the applicant visited her house and took her along with him and thereafter subjected for the sexual assault. He submitted that the genesis of the incident itself is of the false allegations. He also invited my attention towards the statement of one Diksha Meshram who is the friend of the victim who has stated in her statement that one photograph was forwarded to her by the present applicant but she has not stated that it was the obscene photographs. Victim has also not disclosed the said incident in her statement which is brought in the nature of the omission. Thus, considering now the deposition of the victim is already recorded, therefore, as far as ground of pampering is also not available to the prosecution. He submitted that considering the trial is already commenced, victim is already examined, further incarceration of the present applicant is not required. He be released on bail.

5. Learned APP and learned Counsel for the victim strongly opposed the application on the ground

that considering the nature of the offence and the photographs are forwarded by the present applicant and circulated the same which is a serious offence, and therefore, the application deserves to be rejected.

6. Learned APP further pointed out that the applicant was absconding after the incident and if he is released on bail he would not be available for trial and trial would be held up. In view of that, the application deserves to be rejected.

7. I have heard learned Counsel for both the parties. Perused the entire investigation papers and the statement of the victim which is recorded under Section 164 of Cr.PC. and considering the fact that now the evidence of the victim is already recorded, at this stage, there is no reason to incarcerate the present applicant for further period. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Amol s/o Anand Meshram in connection with Crime No.142/2023 registered with police station Ram Nagar, Gondia, District Gondia for the offence punishable under Sections 376(2)(f), 500 and 506 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children

from Sexual Offences Act, 2012, be released on bail on executing P.R. bond of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station twice in a month i.e. 1st and 15th day of every month and the Police Officer of Ram Nagar police station, Gondia shall record his presence.

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

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case in any manner either personally or by way of electronic media.

(vi) The applicant shall cooperate with the Special Court to dispose of the trial at the earliest.

(vii) The applicant shall furnish his Cell phone number and detailed address with address proof and names of his two relatives with their detailed address and address proof, before the investigating agency.

8. The contravention of any of the condition imposed by this Court, would lead to the cancellation of bail.

9. The application is disposed of.

10. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)

**Divya*