



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

CRIMINAL APPLICATION (BA) NO.125 OF 2025

Babulal s/o Rajaram Mohankar
Vs.

State of Maharashtra, through Police Station Officer, Police Station Aroli,
District 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. Sonali B. Khobragade, Counsel for the applicant.
Mr. Nitin Rode, APP for non-applicant No.1/State.
Ms. Sweety Bhatia, appointed Counsel for non-applicant No.2/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/07/2025

1. The applicant came to be arrested on 10.11.2023 in connection with Crime No.369/2023 registered with Police Station Aroli, District Nagpur for the offences punishable under Sections 354, 354B, 376(1), 376(2)(n), 376(3) and 506 of the Indian Penal Code and under Sections 4, 6, 8, 10 and 14 of the Protection of Children from Sexual Offences Act and under Sections 67, 67A and 67B of the Information Technology Act.

2. The crime is registered on the basis of report lodged by the victim girl on an allegation that she is studying in 12th standard, aged about 16 years and 5 months and was working as a house as maidservant. It is further alleged that prior to 7 to 8 months, when she was alone in the house, the

present applicant entered in her house and by threatening her subjected her for the forceful sexual assault. It is further alleged that the present applicant has also obtained the videos of the incident and uploaded it as its status on the WhatsApp. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant. She submitted that there are inconsistent statements of the witnesses. The investigation is already completed, charge-sheet is already filed, the applicant is 50 years old man and due to the money transaction, he is falsely implicated in the alleged offence. As far as further incarceration is concerned, which is not required. In view of that, he be released on bail.

4. Learned APP and learned appointed Counsel for the non-applicant No.2 – victim strongly opposed the said application and submitted that victim is only 16 years and 5 months, whereas the applicant is of 50 years of old man. The allegation levelled by victim is also substantiated by the medical evidence. They have also invited my attention towards the mobile panchnama which shows that there were obscene videos in the said mobile phone, therefore, the said mobile phone was referred for the analysis. The analysis report is yet to be received. There are two statements of the witnesses one

Akrosh Devendra Pantawane and Ankush Rambhau Linge which state that they have seen the said obscene video which was kept by the present applicant on his WhatsApp status. Thus, the allegation levelled by the victim is substantiated by the statements of these witnesses also. Considering the circumstances under which the alleged incident has taken place and the small victim girl was subjected for the sexual assault by the present applicant, who is aged about 50 years, a *prima facie* case is made out. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is rejected.
- (ii) The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)