



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

CRIMINAL APPLICATION (BA) NO. 195 OF 2025

Sujit s/o Ashokrao Gawande Vs State of Maharashtra and another.

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

Court's or Judge's Order

Mr. M.V. Rai, Counsel for applicant.

Ms. H.N.Prabhu, APP for non-applicant/State.

Mrs. Shubhada Phaltankar, counsel (appointed) to non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/04/2025.

1. This is an application for grant of bail in connection with Crime No. 1091/2022 registered with Police Station Hinganghat, District Wardha for the offences punishable under Sections 376 (1), 376-D, 354-C, 363 and 506 (II) of the Indian Penal Code, 1860 and Sections 4, 6, 21 of the Protection of Children from Sexual Offences Act, 2012.

2. As per the allegation, on 21/10/2022, the victim, who is 17 years old, left the house to celebrate her birthday. The parents of the victim had gone to attend to their work. When they returned back at 6 hours, they did not find the victim at home therefore, the mother of the victim took search of the victim, but she could not trace her. The mother of the victim then heard the voice of the victim, and therefore, she came out of the house. She saw her daughter with a boy and a girl with a motorcycle. She asked the victim where she had been, and the victim

responded by naming the girl who had accompanied her and the boy involved. Thereafter, they both left the place, and the mother and the victim came home. On enquiry by the mother, the victim stated that she had been to celebrate her birthday, and thereafter, the co-accused took her on a moped to kaccha room and committed forcible intercourse, and thereafter, he left from there, and her friend, namely Mayur, brought her back. Thereafter, the mother has lodged the report.

3. Heard learned counsel for the applicant, who submitted that, as per the subsequent allegation by her, three persons subjected her for the forceful sexual assault. In the initial statement, she has not narrated the story. Thus, there are inconsistent statements made by her, and the medical conditions are not showing that she was subjected for the sexual assault by the three persons. The investigation papers further reveal that there was a love affair between her and Akash, and out of the love affair, they had a physical relationship. Thus, considering there are inconsistent statements and the investigation is already completed and the charge sheet is filed, in view of that, the applicant be released on bail.

4. The learned APP and the learned counsel for the victim strongly opposed the application on the ground that each person subjected her for forcible sexual assault, and she narrated the history, wherein she disclosed the role of the present applicant. Thus, considering the fact that a minor girl was subjected for sexual assault by the

present applicant and other co-accused by administering her liquor, the application deserves to be rejected. It is further urged that if the applicant is released on bail, there is every apprehension of tampering of the witnesses.

5. After hearing both sides and on perusal of the investigation papers, it reveals that admittedly at the initial stage, the name of the present applicant or the story itself shows that she was subjected for the forceful sexual assault by three persons, which was not narrated by her. On the next date, she has come with the case. She was medically examined, and except the injury of the fourchette, no injury was found on her person. Considering now the investigation is already completed and inconsistency statement for the victim, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass the following order.

- a] The criminal application is **allowed**.
- b] The applicant – *Sujit s/o Ashokrao Gawande*, shall be released on bail connection with Crime No. 1091/2022 registered with Police Station Hinganghat, District Wardha for the offence punishable under Sections 376 (1), 376-D, 354-C, 363 and 506 (II) of the Indian Penal Code, 1860 and Sections 4, 6, 21 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. Bond of Rs.

25,000/- with one solvent surety in the like amount.

- c] The applicant shall not enter into the vicinity of Hinganghat District Wardha except attending the Court proceedings.
- d] The applicant shall furnish his address wherein he intending to reside after he is released on bail.
- e] The applicant shall attend the proceedings before the Special Court without seeking any exemption and shall cooperate with the Court to dispose of the trial.
- f] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case including the victim either by physical mode or through the electronic media.
- g] The applicant shall not leave the jurisdiction of Wardha District without prior permission of the Court.
- h] The fees of the appointed counsel be quantified as per rule.

6. The criminal application is **disposed of** accordingly.

[URMILA JOSHI-PHALKE, J.]