



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

CRIMINAL APPLICATION (BA) NO. 181 OF 2025

Roshan s/o Satish Ganvir 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. S.P. Sonwane, counsel for applicant.

Mr. N.B. Jawade, APP for non-applicant/State.

Ms. Radha Mishra, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 02/04/2025.

1. By this application, the applicant is seeking bail in connection with Crime No. 234/2024 registered with Police Station Imamwada for the offence punishable under Sections 363, 376, 376(2)(n), 504, 506 of the Indian Penal Code, 1860 read with Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard learned counsel for the applicant, who submitted that the crime is registered on the basis of a report lodged by mother of the victim girl, on an allegation that on 04/06/2024, her daughter left the house and not returned back. On inquiry, she came to know that the present applicant was also not at home, and it revealed to her that, on the promise of marriage, she had kidnapped the victim girl. Initially, the report was filed under Section 363 of the Indian Penal Code, 1860. During the search of the victim, the victim was found and

her statement was recorded, from which it reveals that the applicant expressed his feelings to her and subjected her for forceful sexual assault.

3. He submitted that, from the recitals of the statement of the victim and her subsequent statements, as well as the statements of the witnesses, it reveals that, out of a love affair, the victim went along with the present applicant, and a physical relationship developed between them. As far as the consent of the victim is concerned, admittedly it is not relevant, but considering now the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the said application and submitted that the victim girl was only 13 years and 8 months at the relevant time and her consent is not relevant. As far as the story of the love affair is concerned, it cannot be accepted at the tender age. In view of the statement of the victim, which shows that she was promised and induced, and by inducing her, the relationship was developed with her. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, undisputedly the victim was of very tender age, her consent is not relevant. The statement of the victim and the medical report show that she was subjected for sexual assault. However, considering now

the investigation is completed and charge-sheet is filed, and considering the circumstances under which the alleged incident has taken place, the further incarceration of the present applicant is not required. In view of that, application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is **allowed**.
- b] The applicant – ***Roshan Satish Ganvir***, shall be released on bail, in connection with Crime No. 234/2024 registered with Police Station Imamwada for the offence punishable under Sections 363, 376, 376(2)(n), 504, 506 of the Indian Penal Code, 1860 read with Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, on furnishing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not enter into the vicinity of Siraspeth, Police Station Imamwada, Nagpur City till culmination of the trial.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- e] The applicant shall attend the proceedings before the Special Court without seeking any

exemption unless there are exceptional circumstances.

f] The applicant shall furnish his detailed address as well as address proof before the investigating officer.

g] The fees of the appointed counsel be quantified as per rule.

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

[URMILA JOSHI-PHALKE, J.]