



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

CRIMINAL APPLICATION (BA) NO.187 OF 2025

Anurag s/o Manohar Chaudhari

Vs.

The State of Maharashtra, through Police Station Officer, Police Station,
Akola 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. H. Mohta Counsel for the applicant.

Mrs. H.N. Prabhu, APP for the non-applicant No.1/State.

Mr. D.M. Sharma, counsel for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/03/2025

1. Learned Counsel for non-applicant No.2 has filed the reply which is taken on record.

2. The applicant came to be arrested on 09.06.2024 in connection with Crime No.328/2024 registered with Police Station, Civil Line, District Akola for the offences punishable under Sections 363, 376(2)(n), 376(3), 376(I), 376-DA, 354(C) and 506 of the Indian Penal Code (for short, 'I.P.C.') and under Sections 3, 4, 6, 11 (5) and 12(iii) of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO') Act and under Section 66(E) of the Information Technology Act (for short, 'I.T.') Act.

2. Heard learned counsel for the applicant who submitted that initially crime was registered against the co-accused under Section 363 of the

I.P.C. During investigation the statement of the victim was recorded. Initially before the medical officer she has not assigned any role to the present applicant. But after thought she made allegation against the present applicant as to sexual assault. Considering the inconsistent statements of the victim it reveals that improbable story is narrated by her. Now investigation is already completed. The charge-sheet is already filed. Further custodial interrogation of the applicant is not required. Even the reply filed by the victim also shows that she has not grievance against the present applicant. In view of that, he be released on bail.

3. Learned APP strongly opposed the said application and submitted that the statement which is recorded before the Magistrate as well as the statement which was recorded on 09.06.2024 she specifically assigned the role to the present applicant. Though the investigation is completed but considering the age of the victim who is 14 years old subjected for the sexual assault by three persons. The application deserves to be rejected.

4. Learned Counsel for the victim supported the applicant and filed the reply to the extent that she has no grievance against the present applicant.

5. On hearing both the sides and on perusal of the investigation papers, it reveals that after the

victim was traced she immediately referred for the medical examination. On 08.06.2024 the victim states before medical officer that she was having love affair with co-accused Ankush Patil and there was physical relation between them. She nowhere refers the present applicant in said medical history. Her statement is recorded on 08.06.2024 wherein also she assigned the role to the present applicant only to the extent that he has dropped her at Satav Chowk. In her subsequent statements i.e. statement under Section 164 of the Cr.P.C. and statement recorded on 09.06.2024 she implicates the present applicant by on an allegation that he has also subjected her for the sexual assault. Thus there are inconsistent statements of the victim.

6. At this stage, the investigation is completed. The charge-sheet is filed. Considering the inconsistent statements of the victim, the applicant has made out the case for bail. In view of that, the application deserves to be allowed. Accordingly I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **-Anurag s/o Manohar Chaudhari**, in connection with Crime No.328/2024 registered with Police Station, Civil Line, District Akola for the offences punishable under Sections 363, 376(2)(n), 376(3), 376(i), 376(D-A), 354(c) and 506 of the Indian Penal Code (for short, 'I.P.C.') and under Sections 3, 4,

6, 11 (5) and 12(iii) of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO') Act and under Section 66(E) of the I.T. Act shall be released on bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter the vicinity of Lokhande Lay Out Mothi Umari till culmination of the charge.

(iii) The applicant shall not directly or indirectly make any inducement, 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 furnish his detail address along with names of two relatives and their address proof.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)