



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

CRIMINAL APPLICATION (BA) NO. 215 OF 2025

Chhotubhai Sadrddin Gabrani 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. Bhushan Dafle, counsel for applicant.

Mr. M.K.Pathan, APP for non-applicant/State.

Ms. Punam Pisurde, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 15/04/2025.

1. This is an application for grant of bail in connection with Crime No. 664/2024 registered with Police Station Awdhootwadi, District Yavatmal for the offence punishable under Sections 363, 376, 376(2)(n) of the Indian Penal Code, 1860; and Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012. The applicant came to be arrested on 06/06/2024.

2. Heard the learned counsel for the applicant, who submitted that an initial report was lodged by mother of the victim against an unknown person, alleging that the victim left the house on 26/05/2024 and has not returned back. During the investigation, the statement of the victim was recorded, which shows that she got acquaintance with the present applicant. The present applicant has promised her for marriage, and on the promise of marriage she was subjected her for forceful sexual assault.

3. The learned counsel submitted that, considering the statement of the victim, it reveals that she was communicating with the present applicant, there was a love affair between them. The victim is on the verge of attaining the age of majority and she herself joined the company of the present applicant. Now, the investigation is already completed and the charge-sheet is already filed, further incarceration of the present applicant is not required.

4. The learned APP strongly opposed the said application, on the ground that the applicant is a 33 years old man, whereas the victim is below 18 years of age, her consent is not relevant. The statement of the victim discloses that on the promise of marriage, she was seduced for the forceful sexual assault. In view of that, the application deserves to be rejected.

5. The learned appointed counsel for the victim also endorsed the same contention.

6. After hearing both sides and on perusal of the investigation papers, it reveals that victim was on the verge of attaining the age of majority. Her statement shows that she was communicating with the present applicant. Admittedly, the applicant is a 33 years old man, whereas the victim is on the verge of attaining the age of majority. The prima-facie case is made out against the present applicant, but considering now the investigation is completed and charge-sheet is filed, further incarceration

of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is **allowed**.
- b] The applicant – ***Chhotubhai Sadrddin Gabrani*** shall be released on bail in connection with Crime No. 664/2024 registered with Police Station Awdhootwadi, District Yavatmal for the offence punishable under Sections 363, 376, 376(2)(n) of the Indian Penal Code, 1860 and Sections 4, 8,12 of the Protection of Children from Sexual Offences Act, 2012, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not enter within the jurisdiction of Awdhootwadi Police Station till the culmination of the trial.
- d] The applicant shall not induce, threat or promise any witnesses, who are acquainted with the facts of the case including the victim, either physically or through electronic media.
- e] The applicant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.

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

7. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]