



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

CRIMINAL APPLICATION (BA) NO.222 OF 2025

Manish s/o Kalpanath Thakare

Vs.

State of Maharashtra, through Police Station Officer, Salekasa,
District Gondia

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. D. C. Chahande, Counsel for the applicant.

Mr. C. A. Lokhande, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 25/03/2025

1. The applicant came to be arrested on 20.08.2024 in connection with Crime No.261/2024 registered with Police Station, Salekasa, District Gondia for the offence punishable under Section 65(2) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act.

2. Heard learned Counsel for the applicant who submitted that the crime is registered on the basis of report lodged by the mother of the victim girl on an allegation that her 5 years and 10 months daughter is subjected for the forceful sexual assault by the present applicant by promising her for chocolate and for the amount of Rs.4/- . On the basis

of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that only objection raised by the prosecution that there is an apprehension of tampering of the witnesses, therefore the applicant will not reside in the said village and he will abide by all the conditions imposed by this Court. He further submitted that as far as the evidence is concerned, merely on suspicion the present applicant is arrested. Now the investigation is completed and charge-sheet is filed, and therefore, further incarceration of the present applicant is not required.

4. Learned APP for the State strongly opposed the said application on the ground that there is a *prima facie* material against the present applicant which shows his involvement. At this stage, though the investigation is completed but considering the nature of the evidence that a small girl of 5 years was subjected for the sexual assault by promising her a meager amount, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that a small girl of 5 years and 10 months was subjected for the forceful sexual assault by the present applicant by promising her chocolate and the amount of Rs.4/-. The

statement of the victim and the statement of the informant, who is the mother of the victim substantiates the said contention, it is also substantiated by the medical certificate, as the history narrated before the Medical Officer as well as the injuries found on the victim person shows that yellowish white discharge present inner labia congested and shown redness. Hymen also shows opening 1cm. X 1cm. Fourchette also shown to be erythematous. The diagram of the injury also shows that the victim girl was subjected for the sexual assault. The victim girl has pointed towards the accused that he is the person, who subjected for the forceful sexual assault.

6. Considering the direct evidence against the present applicant and the small girl of 5 years and 10 months who was subjected for the sexual assault, I have shown my disinclination to grant bail. Accordingly, I proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)