



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.257 OF 2025
(Hiraman s/o Upasrao Satpudke Vs. State of Maharashtra and anr.)

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, Advocate for the applicant.
Mr. A. Ghongre, APP for the State.
Ms K. Deshpande, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 23, 2025.

Heard.

2. By this application, the applicant is seeking bail as he came to be arrested on 31/08/2024 in connection with Crime No.597/2024 registered with police station Sawangi Meghe, District Wardha for the offence punishable under Sections 74, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The crime is registered on the basis of report lodged by the victim girl aged about 10 years on an allegation that she was attending the tuition classes at the residence of the present applicant and present applicant on the pretext of showing home work used to call her in another room and was touching inappropriately. On the basis of the said report, police have registered the crime against the present applicant.

4. Learned Counsel for the applicant submitted that due to the previous disputes between the applicant and the family members of the victim this false and baseless allegations are levelled against the present applicant. Now, investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. He also invited my attention towards the fact that though other students were also attending the said tuition classes, their statements were not recorded by the investigating agency. These statements are not recorded only to implicate the accused falsely otherwise the true facts would have been before the Court. He submitted that even accepting the same, the alleged offences are punishable with imprisonment not more than seven years. In view of that, the present applicant be released on bail.

5. Learned APP and learned Counsel for the victim strongly opposed the application on the ground that the statement of the victim specifically shows the involvement of the present applicant. If he is released on bail there is every possibility of tampering of the witnesses. Hence, the application deserves to be rejected.

6. I have heard learned Counsel for both the parties. On perusal of the entire investigation papers the involvement of the present applicant reveals; however, considering the inconsistencies and considering the fact

that the statements of various witnesses i.e. the children who were also attending the tuition classes of the present applicant, are not recorded by the investigating officer. Moreover, the investigation is completed and charge-sheet is filed. The offences alleged are not punishable with imprisonment of more than seven years and the trial will take its own time for its final disposal, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Hiranman s/o Upasrao Satpudke in connection with Crime No.597/2024 registered with police station Sawangi Meghe, District Wardha for the offence punishable under Sections 74, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 8 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on executing P.R. bond of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the vicinity of village Salod Hirapur till culmination of the trial.

(iv) The applicant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case in any manner either personally or by way of electronic media.

7. The contravention of any of the condition imposed by this Court, would lead to the cancellation of bail.

8. The application is disposed of.

9. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)