



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

CRIMINAL APPLICATION (BA) NO.333 OF 2025

(Suraj Madhusudan Pal Vs. State of Maharashtra thr. PSO Police Station Sewagram,
District Wardha 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. S. L. Raut, Advocate for Applicant.
Ms. Ritu V. Sharma, APP for Non-Applicant No.1/State.
Ms. Aastha Sharma, Advocate (Appointed) for Non-Applicant No.2.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 24th APRIL, 2025.

1. Heard.
2. The applicant came to be arrested on 22.09.2024 in connection with Crime No.725/2024 registered with Police Station Sewagram, District Wardha for the offences punishable under Sections 137(2), 70(2), 64(m) of the Bhartiya Nyay Sanhita, 2023 read with Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
3. The crime is registered on the basis of the report lodged by father of the victim girl on an allegation that victim girl was subjected for the forceful sexual assault by the present applicant and the other co-accused by taking her along with the accused. On the basis of the said report, police have registered the crime against the present applicant. During investigation the victim was searched and the statement was recorded. During her statement she has

specifically narrated the incident that on 21.09.2024 she was called and present applicant was also along with them and both are subjected her for the forceful sexual assault. On the basis of the statement the applicant was arraigned as an accused.

4. Heard learned counsel for the applicant who submitted as far as the statement of the victim is concerned which is not substantiated by the medical evidence, no specific role is attributed to the present applicant. Her statement is general in nature. Now investigation is already completed, charge-sheet is already filed. Further incarceration of the present applicant is not required. In view of that, he be released on bail.

5. The learned APP and learned counsel for the complainant strongly opposed for the same on the ground that the statement of the victim who is 12 years and 6 months of age as specifically attributed the role to the present applicant. The medical report has also substantiated the same though investigation is completed. Considering the nature of the statement made by the victim wherein she was subjected for the sexual assault by the present applicant as well as other co-accused. There is every apprehension of tampering of the witnesses. In view of that, the application deserves to be rejected.

6. On hearing both the sides and on perusal of the investigation papers it reveals that the statement of the victim clearly shows the involvement of the present applicant in the alleged incident. The medical certificate is

also on record which shows that the Medical Officer opined that the sexual assault cannot be ruled out on the victim. Thus, considering the *prima facie* material against the present applicant and the age of the victim is only 12 years and 6 months old. The application deserves to be rejected. Hence, I proceed to pass following order.

The application is rejected.

7. The fees of the appointed counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)