



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

CRIMINAL APPLICATION (ABA) NO.209 OF 2025

Manohar Surendra Bansod

Vs.

State of Maharashtra, through Police Station Officer, Police Station Tiroda,
District Gondia 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. A. M. Chandekar, Counsel for the applicant.

Ms. S. S. Dhote, APP for non-applicant No.1/State.

Ms. S. H. Bhagat, appointed Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 21/04/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.115/2025 registered with Police Station, Tiroda, District Gondia for the offence punishable under Sections 74, 115, 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and under Section 8 of the Prevention of Children from Sexual Offences Act, 2012, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned Counsel for the applicant who submitted that due to the previous enmity, this false FIR is lodged against him, on the basis of report lodged by the victim girl aged about 16 years and 6 months alleging that on 11.02.2025 at about 8.30 p.m. they were urinating on the road in front of the shop of the applicant and on that count there was a

quarrel between them and during that quarrel the present applicant has assaulted her as well as her mother and outraged her modesty. Learned Counsel for the applicant submitted that in fact on asking by the present applicant why they had urinated in front of his shop, he was abused as well as assaulted and to give the counterblast to the allegations, this false FIR is lodged against the present applicant. He submitted that the allegations are not substantiated by any materials. As far as the custodial interrogation is concerned, which is not required. In view of that, the applicant be protected by granting anticipatory bail.

3. Learned APP and learned appointed Counsel for the non-applicant No.2 – victim strongly opposed for the same and submitted that there is a previous enmity and out of previous enmity prior NC report was also lodged and due to the previous enmity, the present applicant has outraged the modesty of the victim.

4. On hearing both sides and on perusal of the investigation papers, it reveals that out of previous enmity, the previous FIRs are also lodged against each other. The FIR is also lodged by the present applicant alleging that he was assaulted by the informant and her mother. The victim was medically examined. As far as the allegations regarding the outraging the modesty is concerned, at

this stage, except the statement of the victim, there is no other material to connect with the said allegations. Even accepting the allegation as it is, immediate custodial interrogation of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following.

ORDER

(i) The application is allowed.

(ii) In the event of arrest in connection with Crime No.115/2025 registered with Police Station, Tiroda, District Gondia for the offence punishable under Sections 74, 115, 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and under Section 8 of the Prevention of Children from Sexual Offences Act, 2012, the applicant **Manohar Surendra Bansod** shall be released on anticipatory 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 induce, threat or promise any witnesses who are acquainted with the facts of the case.

(iv) The applicant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(iv) The applicant shall not enter into the area of Jamuniya, Taluka Tiroda, till culmination of the trial.

(4)

50.aba.209.2025

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

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate