



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

**CRIMINAL APPLICATION (BA) NO.369 OF 2025**

Durgaprasad Shamrao Borkar

Vs.

State of Maharashtra, through Police Station Officer, Gittikhadan Police  
Station Nagpur 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. B. D. Sachdev, Counsel for the applicant.

Ms. H. N. Prabhu, APP for non-applicant No.1/State.

Mr. Najeeb Sheikh appointed Counsel for the non-applicant No.2.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 07/05/2025**

1. The applicant came to be arrested on 12.03.2025 in connection with Crime No.172/2025 registered with Police Station, Gittikhadan, Nagpur for the offence punishable under Sections 74, 75 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

2. The crime is registered on the basis of report lodged by the mother of the victim girl on an allegation that her daughter aged about 15 years was at home and she had been on her work, at that time, she received a phone call of her daughter and disclosed that the present applicant had misbehaved with her, therefore the informant immediately came to her and on inquiry, it revealed to her that when

the victim was alone in the house, the present applicant touched to her chest as well as attempted to lie her down and also outraged her modesty. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant who submitted that the alleged offences are not punishable with imprisonment more than five years. The investigation is already completed. Due to the previous enmity, the present applicant is implicated in the alleged offence. As far as further incarceration is concerned, which is not required. In view of that, he be released on bail.

4. Learned APP and learned Counsel for the victim strongly opposed for the same on the ground that the applicant is neighbour and the victim has specifically narrated the incident. The act of the present applicant is an attempt to not only the outraging of modesty, but it is an attempt to have a sexual activity with the victim girl. Thus, considering the same, the application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers, it reveals that at the relevant time, other family members were also at house and they were on the terrace, at that time, the alleged incident appears to have been happened. As far as further incarceration is concerned, which is not

required as the investigation is completed. Considering the fact that the applicant was arrested on 12.03.2025, the investigation is already completed, the alleged offences are not punishable with imprisonment more than five years, in view of that the application deserves to be allowed. Accordingly, I proceed to pass following order:

**ORDER**

- (i) The application is allowed.
- (ii) The applicant **Durgaprasad Shamrao Borkar** shall be released on bail in connection with Crime No.172/2025 registered with Police Station, Gittikhadan, Nagpur for the offence punishable under Sections 74, 75 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not enter into the vicinity of Ganganagar, Gittikhadan, Nagpur till the culmination of trial.
- (iv) The applicant shall furnish his detailed address where he is intending to reside after he is released on bail.
- (v) The applicant shall attend the proceeding before the Special Court without seeking any exemption unless there are exceptional circumstances.
- (vi) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

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

7. The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**