



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

CRIMINAL APPLICATION (BA) NO. 400 OF 2025

Ramdayal s/o Pancham Tandekar Vs State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.B.Mirza, counsel for applicant.

Mr. N.B. Jawade, APP for non-applicant/State.

Mr. Abuzain Tarique Sheikh, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/06/2025.

1. Present application is preferred by the applicant i.e. original accused No.1 for grant of bail in connection with Crime No. 279/2024 registered with Police Station Wathoda for the offence punishable under Sections 363, 376(3), 354, 354-A, 506-B of the Indian Penal Code, 1860; and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The crime is registered on the basis of a report lodged by mother of the victim girl aged about 14 years, on an allegation that her niece was having acquaintance with the present applicant. The present applicant and his nephew took both the victims on a motorcycle and subjected them for the forceful sexual assault. 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 as far as the present applicant is concerned,

he was in a relationship with another victim, who is aged about 18 years and 4 months. As far as the minor victim is concerned, there is no allegation against the present applicant that he has subjected her for forceful sexual assault. The statement of both the victims are recorded. The statement of major victim girl shows that she got acquaintance with the present applicant through Instagram. Thereafter, the friendship was developed between them. Out of that friendship, he has taken her as well as minor victim girl, and minor victim girl was subjected for forceful sexual assault by the other co-accused. Considering the statement of both victims, no prima-facie case is made out against the present applicant, and therefore, the application deserves to be allowed.

4. Learned APP and learned counsel for the victim strongly opposed the application and invited my attention towards the statement of the witnesses, who is present at the spot of incident, wherein the alleged incident has taken place, in view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that the applicant was having acquaintance with the victim, who is aged about 18 years, and for the purpose of identification, it is noted as victim-K. Thus, there was acquaintance between the present applicant and the victim-K. The friendship was developed between them, and there was a love affair between them. On the day

of incident i.e. 01/05/2024, he came along with his nephew. The other co-accused took the victim-K as well as the minor victim girl, and the minor victim girl was subjected for sexual assault by the co-accused. As far as the allegation against the present applicant is concerned, it is not alleged that he has subjected for the sexual assault to the minor victim, whereas the investigation papers shows that there was a love relationship between the victim-K and the present applicant. Considering the above circumstances, the applicant has made out a case for grant of bail, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] Criminal Application is **allowed**.
- b] The applicant – ***Ramdayal s/o Pancham Tandekar*** shall be released on bail, in connection with Crime No. 279/2024 registered with Police Station Wathoda for the offence punishable under Sections 363, 376(3), 354, 354-A, 506-B of the Indian Penal Code, 1860; and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 on furnishing P. R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not enter into the jurisdiction of Wathoda Police Station, Nagpur till culmination of the trial.

- d] The applicant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.
- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- f] The fees of the appointed counsel be quantified as per Rule.

Criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]