



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

CRIMINAL APPLICATION (BA) NO. 416 OF 2025

Arif Khan s/o Abdul Rahman 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. S.V.Bhutada, counsel for applicant.

Ms. H.N. Prabhu, APP for non-applicant/State.

Ms. Bhvya C. Dhurv, counsel for non-applicant No.2 (appointed).

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

1. The applicant came to be arrested on 07/10/2024 in connection with Crime No. 538/2024 registered with Police Station Ajni, Nagpur for the offences punishable under Sections 376(2)(j), 376(A)(B), 354(A)(2), 506(2) of the Indian Penal Code, 1860; and Sections 4, 6, 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 on an allegation that in the month of May-2023, the present applicant had been to her house and subjected her daughter for the forceful sexual assault. Prior to that, her daughter had made a telephonic call to her and disclosed that present applicant had been to her house, and after one hour, when she came to the house, she found that the victim girl in a scared condition. On 18/09/2024, she took the victim girl for the medical examination, as the victim was suffering some behavioral problems. The oral examination disclosed that she was

subjected for the forceful sexual assault. Thereafter, the victim girl also disclosed the said incident to her mother. On the basis of the said report, police have registered the crime against the present applicant.

4. Heard learned counsel for the applicant, who submitted that FIR was lodged after more than one year. Except the statement of the victim, there is no other material collected during the investigation to show the presence of the present applicant at the house of the victim. Now, investigation is already completed and charge-sheet is already filed, further incarceration of the present applicant is not required, in view of that, he be released on bail.

5. Learned APP and learned counsel for the victim strongly opposed the said application and submitted that the 12 years victim girl was subjected for sexual assault by the present applicant, which is substantiated by the medical evidence. In view of that, the application deserves to be rejected.

6. After hearing both sides and on perusal of the investigation papers, it reveals that the incident is disclosed by the victim to her mother after one year. Though the statement of the victim discloses that she has seen the victim in a scared condition, but she has not made any inquiry with the victim. Thus, considering the inconsistent statement of mother of the victim and considering the fact that now investigation is already completed, further incarceration of the present applicant is not required. In view of that, the

application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The criminal application is **allowed**.
- b] The applicant- ***Arif Khan s/o of Abdul Rahman***, shall be released on bail in connection with Crime No.538/2024 registered with Police Station Ajni, Nagpur for the offences punishable under Sections 376(2)(j), 376(A)(B), 354(A)(2), 506(2) of the Indian Penal Code, 1860; and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 on executing P.R. Bond of Rs. 50,000/- with one solvent surety in the like amount.
- c] The applicant shall not enter into the jurisdiction of Ajni Police Station till culmination of the trial.
- d] The applicant shall not induce threat or promise any witnesses who are acquainted with the facts of the case.
- e] The applicant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.
- f] The fees of the appointed counsel be quantified as per Rule.

Criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]