



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

CRIMINAL APPLICATION (BA) NO. 422 OF 2025

Rupesh s/o Shriramji Thate 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

Ms Naina Dhole, counsel h/f Mr. M.V.Rai, counsel for applicant.

Ms T.H. Udeshi, APP for non-applicant/State.

Mr. V.S. Wankhede, counsel for non-applicant No.2.

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

1. By this application, the applicant is seeking bail in connection with Crime No. 713/2024 registered at Police Station Allipur, Tah. Hinganghat, District Wardha for the offence punishable under Section 74, 76 and 352 of the Bhartiya Nagarik Suraksha Sanhita, 2023 along with Sections 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard learned counsel for the applicant, who submitted that the crime is registered on the basis of a report lodged by the victim girl, aged about 14 years, against the present applicant, who is her father. It is alleged that on 20/12/2024, the applicant came under the influence of liquor and outraged her modesty by touching her chest and attempting to disrobe her by pulling her palazzo. On the basis of said report, police have registered the crime against the present applicant.

3. Learned counsel for the applicant further submitted that, as far as further incarceration of the applicant is concerned, it is not required. The alleged offence is registered on the matrimonial dispute between the husband and wife i.e. the applicant and his wife. Considering the fact that now the investigation is already completed and the charge sheet is also filed, in view of that, the applicant be released on bail.

4. Learned APP strongly opposed the application and submitted that the investigation papers disclose that the applicant is the father of the victim and always comes at home under the influence of liquor and used to torture the victim, who is his daughter. If he is released on bail, he would tamper with the prosecution evidence, in view of that, the application deserves to be rejected.

5. Learned counsel for the non-applicant No. 2/ victim supported the case of the applicant and prays for releasing the applicant on bail.

6. On hearing both sides and on perusal of the investigation papers, it reveals that the applicant is the father of the victim. The allegation against the present applicant is that, under the influence of liquor, he has outraged the modesty of the victim. Considering the fact that the investigation is already completed and charge-sheet is already filed, further incarceration of the present

applicant is not required. However, considering the apprehension raised by the learned APP, some conditions requires to be imposed. In view of that, I proceed to pass the following order.

ORDER

- a] The criminal application is allowed.
- b] The applicant -***Rupesh s/o Shriramji Thate*** shall be released on bail in connection with Crime No. 713/2024 registered at Police Station Allipur, Tah. Hinganghat, District Wardha for the offence punishable under Section 74, 76 and 352 of the Bhartiya Nagarik Suraksha Sanhita, 2023 along with Sections 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not enter into the vicinity of village Kapsi Tahsil Hinganghat, District Wardha till culmination of the trial and shall not in any manner communicate with the victim or other prosecution witnesses.
- 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.

7. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]