



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

CRIMINAL APPLICATION (BA) NO. 421 OF 2025

Vishal s/o Vinay Sharma

Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Kotwali, District 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. U. Y. Sonkusare, Counsel for the applicant.

Mr. Nitin Rote, APP for non-applicant No.1/State.

Ms. V. A. Warade, appointed Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 22/07/2025

1. The present application is preferred by the applicant for grant of bail in connection with Crime No. 277/2024 registered with Police Station Kotwali, District Nagpur for the offence punishable under Sections 137(2), 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act and under Section 3(1)(w)(i)(ii), 3(2)(v), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. The crime is registered on the basis of report lodged by the maternal uncle of the victim on an allegation that on 19.08.2024, when he woke up in the morning, he saw that his sister-in-law is not in the house. On the basis of his report, the crime was registered against the unknown person. During

investigation, the victim was found and her statement was recorded, from which it reveals that out of a love affair, she joined the company of the present applicant and allegedly there was a physical relationship between them. On the basis of the said statement, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant, who submitted that from the statement of the victim recorded by the investigating agency, as well as the statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, it reveals that there was a love affair between the present applicant and the victim and out of a love affair, she joined the company of the present applicant. Now investigation is already completed, charge-sheet is already filed and further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the said application on the ground that considering the applicant was married and despite the said fact, he contacted with the victim and also developed the relationship with her. In view of that, the application deserves to be rejected.

5. Learned appointed Counsel for the non-applicant No.2 – victim also endorsed the same contention.

6. On hearing both sides and on perusal of the statement of the victim, it reveals that she was aware that the present applicant was married, thereafter also the relationship was continued between them. Thus, it appears that physical relationship was developed between them out of a love affair. Considering now the investigation is already completed and charge-sheet is filed, no purpose will be served by keeping the applicant behind bar. 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 **Vishal s/o Vinay Sharma** shall be released on bail in connection with Crime No. 277/2024 registered with Police Station Kotwali, District Nagpur for the offence punishable under Sections 137(2), 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act and under Section 3(1)(w)(i)(ii), 3(2)(v), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) 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 induce, threat or promise any witnesses who are acquainted with the facts of the case.

(iv) The applicant shall not enter into the jurisdiction of Kotwali Police Station, Nagpur till the culmination of trial.

(v) The applicant shall attend the proceeding before the Special Court without seeking any exemption unless there are exceptional circumstances.

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

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)