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932 ba 450-2025

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

CRIMINAL APPLICATION (BA) NO.450 OF 2025

Navnit @ Gaurav Vinod Maske
Vs.

State of Maharashtra, Through Police Station Officer, Police Station
Chandrapur City, Chandrapur

--Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.C. Jaltare, Advocate for applicant.
Mr. M.J. Khan, APP for respondent/State.
Mr. S.R. Jaiswal, Advocate for respondent No.2

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/06/2025

The applicant came to be arrested on 06/01/2025 in connection with Crime No.0016/2025 registered with Police Station Chandrapur City, Chandrapur, for the offence punishable under Sections 64(2)(i), 64(2)(m), 65(1), 115(2), 351(2), 352 of the BNS and under Sections 4 and 6 of the POCSO (Protection of Children from Sexual Offences) Act, 2012.

2. The crime was registered on the basis of report lodged by the victim girl on an allegation that she got acquaintance with the present applicant through Instagram and thereafter they started meeting each other. The applicant has expressed his feelings to her and on the promise of marriage, she was subjected for the forceful sexual assault. She

further alleged that the present applicant has threatened her that if she denies to have a physical relationship, he would make her obscene photographs viral and on that count also she was subjected 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 from the recitals of the FIR and statement of the victim there appears to be love affair between them and the physical relationship was developed out of the love affair. Now investigation is already completed. Charge sheet is already filed. It is not the case that out of lust victim was subjected for the sexual assault. In view of that he be released on bail.

4. Learned APP and learned Counsel for the victim strongly opposed the said application and submitted that initially there was relationship but it was broken and thereafter again the applicant contacted her and subjected her for the forceful sexual assault and thereafter the report is lodged. They have submitted that considering the fact that victim is below 18 years of age and her consent is not relevant and therefore the offence is made out against the present applicant. In view of that application deserves to be rejected.

5. After hearing both the sides and on perusal of investigation papers it reveals that victim and the applicant both got acquaintance with each other through Instagram thereafter they were communicated each other. They roamed at various places and physical relationship was developed between them. Thus, it is apparent that out of the acquaintance they fall in love with each other and physical relationship was developed between them. Subsequently, it was broken but again the applicant has contacted her and she has responded the applicant. As far as obtaining the obscene photograph is concerned, no investigation is carried out. Nothing is on record to show that any photograph was found for the mobile is seized by the investigating agency. At this stage, considering the investigation is already completed. Charge sheet is already filed. Further incarceration of the applicant is not required. The application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- i) The application is allowed.
- ii) The applicant – Navnit @ Gaurav Vinod Maske, shall be released on bail in connection with Crime No.0016/2025 registered with Police Station Chandrapur City, Chandrapur, for the offence punishable under Sections 64(2)(i), 64(2)(m), 65(1), 115(2), 351(2), 352 of the BNS and under Sections 4

and 6 of the POCSO (Protection of Children from Sexual Offences) Act, 2012, on executing P.R. Bond of Rs.25,000/- with one solvent surety of 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 village of Ballarsha till culmination of the Trial.

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

(vi) The applicant shall furnish his cell phone number and detail address along with the address proof.

(vii) The fees of the appointed Counsel be quantified as per the Rules.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)