



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

CRIMINAL APPLICATION (BA) NO. 434 OF 2025

Vithoba Harbaji Mohod 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. V.A. Dahiwal, counsel for applicant.

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

Mr. Shyam Jaiswal, counsel (appointed) for non-applicant No.2.

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

1. The applicant came to be arrested on 19/12/2024 in connection with Crime No. 506/2024 registered with Ranapratap Nagar Police Station, Nagpur for the offences punishable under Sections 65(2), 74, 75, 76 of Bhartiya Nyaya Sanhita, 2023; and Section 4(1), 6, 8 of the Protection of Children from Sexual Offences Act, 2015.

2. The crime is registered on the basis of a report lodged by mother of the victim girl, on an allegation that she is having two daughters, and the victim is her younger daughter of four years. On the day of incident i.e. on 19/12/2024, by leaving behind her daughters, she had been to Pratap Nagar Office for filling some form. When she returned back, she was informed by her neighbour that her younger daughter was manhandled and sexually harassed and assaulted by the present applicant, who is 83 years old

man. 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 only the applicant has taken the small victim girl on his lap therefore, this FIR is lodged. He submitted that, considering the allegation levelled against the present applicant, no offence is made out against the applicant. Now, the investigation is already completed, charge-sheet is already filed, further incarceration of the present applicant is not required, in view of that, he be released on bail.

4. Learned APP strongly opposed for the same on the ground that there is eyewitness to the incident, who has also recorded the videograph of the said incident. Furthermore, the applicant's grandson intervened and rescued the victim girl from the present applicant. She has also invited my attention towards the panchanama regarding the video clip, which was obtained by the police from the said eyewitness, which also substantiates the prosecution version.

5. Considering the investigation material, the prima-facie case is made out against the present applicant, and it reveals that he has subjected the very tender age victim girl for the sexual assault as well as sexual harassment. Considering the nature of the offence, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

a] Criminal application is **rejected**.

- b] Considering that the applicant is 83 years old, trial Court shall expedite the trial and shall disposed of at the earliest.
- c] The fees of the appointed counsel be quantified as per Rule.

[URMILA JOSHI-PHALKE, J.]