



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

CRIMINAL APPLICATION (BA) NO. 440 OF 2025

Rahul s/o Bhaurao Urade 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. R.M.Daga, counsel for applicant.

Mr. N.B. Jawade, APP for non-applicant/State.

Ms. N.G. Chaubey, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/07/2025.

1. The applicant came to be arrested on 25/01/2025 in connection with Crime No. 51/2025 registered with police station Ramnagar, Chandrapur for the offence punishable under Sections 137(2), 64(2) (m), 65(1), 351(2), 352, 126(2), 3(5) of Bhartiya Nyaya Sanhita, 2023 along with Sections 4 and 5 of the Protection of Children from Sexual Offences Act(POCSO Act).

2. The crime is registered on the basis of a report lodged by the informant, who is a driver. On an allegation that on 16/01/2025, he left for his work at about 8.00 a.m. in the morning. At about 6.00 p.m., he received a phone call from his wife telling him that his younger daughter has left the house along with some clothes and is not traceable. He immediately returned to the home and searched for his daughter, but his daughter was not found. Subsequently, the victim was

found, and her statement was recorded. During her statement, the involvement of the present applicant was revealed. On the basis of a statement that she was subjected for the forceful sexual assault by the co-accused, the crime was registered. During the investigation, the name of the present applicant is also revealed. On the basis of the said report, police have registered the crime.

3. Heard learned counsel for the applicant, who submitted that only role attributed as per the prosecution witnesses was that the present applicant was standing of the same when the co-accused subjected the victim on forceful sexual assault. He submitted that the victim has not narrated any description of the present applicant, and no T.I. parade is held. As far as the role of the present applicant is concerned, which is not assigned to the extent of sexually assaulting the victim girl. Now, the investigation is already completed, charge-sheet is already filed, and further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed.

4. The learned APP and learned appointed counsel strongly opposed for the same and submitted that though there is no allegation against the present applicant of sexual assault, but he was restraining somebody for approaching the spot of incidence, and

therefore, his role is a vital role. Though the investigation is completed, there is an apprehension of tampering of the witnesses. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, admittedly the victim has not narrated any description of the present applicant. The T.I. parade is also not done. As far as the involvement of the present applicant is concerned, which is during the investigation. Now, the investigation is already completed, and a limited role is attributed to the present applicant. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] Criminal application is allowed.
- b] The applicant – ***Rahul s/o Bhaurao Urade*** shall be released on bail in connection with Crime No. 51/2025 registered with police station Ramnagar, Chandrapur for the offence punishable under Sections 137(2), 64(2)(m), 65(1), 351(2), 352, 126(2), 3(5) of Bhartiya Nyaya Sanhita, 2023 along with Sections 4 and 5 of the Protection of Children from Sexual Offences Act(POCSO Act), on executing PR. Bond of Rs. 25,000/- with one surety in the like amount.

- c] The applicant shall not enter within the jurisdiction of Ramnagar Police Station, Chandrapur, except attending the Court proceedings.
- d] The applicant shall attend the proceedings before the trial 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 case, either physically or through electronic media.
- f] The fees of the appointed counsel be quantified as per the rule.

Criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]