



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

CRIMINAL APPLICATION (BA) NO.509/2025

Om Gajendra Shende

Vs.

State of Maharashtra, through its P.S.Ol Mouda, Tah. Mouda, Dist. 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

Shri N.B. Bargat, Advocate for applicant
Shri M.J. Khan, AGP for respondent/State

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12.08.2025

. The applicant came to be arrested on 12.12.2024 in connection with Crime No.1264/2024 registered with Police Station Mouda, Nagpur, for the offence punishable under Sections 74 and 76 of the Bhartiya Nyaya Sanhita, 2023 (BNS) and under Sections 8 and 12 of the POCSO (Protection of Children from Sexual Offences) Act, 2012.

2. The crime was registered on the basis of report lodged by the mother of the victim girl on an allegation that on 02.12.2024, when victim was playing along with her friends, the present applicant took victim, disrobed her and disrobed himself also and subjected her 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 due to the previous enmity, the present applicant is implicated with the false and baseless allegation. She invited my attention towards the fact that initially, the crime was registered against the grandfather of the victim, in which he was convicted. Thus, that is the reason to implicate the applicant in the above said fact. He submitted that the investigation is already completed. Charge sheet is already filed. Further incarceration of the applicant is not required.

4. Learned APP strongly opposed the said application and invited my attention towards the statement of the victim, in which she has specifically narrated the act of the present applicant. This fact, taking the victim girl along with him, is also witnessed by the brother of the victim. His statement was also recorded. He submitted that considering the statement, at this stage, there is nothing on record to show that there is any other reason for the informant to implicate accused/applicant falsely. At this stage, considering the material on record, the application deserves to be rejected.

5. On hearing both the sides and on perusal of investigation papers, it reveals that the five years old girl was subjected for the sexual assault by the present applicant. Present applicant took her in the trolley of the tractor, disrobed himself as well as disrobed the victim. However, before that, the brother of the victim

approached to her and, therefore, the further untoward incident has not happened. Considering the fact of the present applicant, the prima facie case is made out against the present applicant. In view of that application deserves to be rejected. Accordingly, I proceed to pass the following order:

ORDER

- i) The Criminal Application is rejected.

JUDGE

R.S. Sahare