



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.809 OF 2025
(Chetan s/o Digambar Ambule Vs. State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. V.S. Mishra, Advocate for the applicant.
Mr. A. Madiwale, APP for the State.
Ms P.D. Pisurde, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 18, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 31/01/2025 in connection with Crime No.29/2025 registered with Police Station Wadi, Nagpur, District Nagpur for the offences punishable under Sections 64(2)(m), 351(2) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i)(ii), 3(2)(va), 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 2015.

2. The crime is registered on the basis of report lodged by the victim girl on an allegation that she got acquaintance with the present applicant through the snapchat as she received the request of a friendship on a snapchat, and therefore, she got acquaintance with the present applicant. As per her allegation present applicant

used to call her and expressed his feelings for which she has not responded but on 14/11/2024, the present applicant has subjected her for the forceful sexual assault and thereafter on multiple occasions. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that there was a love affair between the victim and the present applicant. Out of love affair the physical relationship was developed between them. Though alleged incident of sexual assault took place on 14/11/2024 first time she lodged a report on 29/01/2025. Now, investigation is completed, charge-sheet is filed, further incarceration of the applicant is not required.

4. Learned APP strongly opposed the application on the ground that due to the sexual assault on repeated occasions, the victim was forced to carry the pregnancy. The DNA report is yet to be received. In view of that, the application deserves to be rejected.

5. Learned Counsel for the victim also endorsed the same contention and submitted that the statement of the victim are consistent as far as the sexual assault is concerned. In view of that, the application deserves to be rejected.

6. I have heard learned Counsel for both sides. Perused the recitals of the statement as well as the investigation papers from which it reveals that they got acquaintance with each other and out of that acquaintance they met each other and the physical relationship was developed between them. As far as the merits of the matter is concerned, at this stage, whether it was a forceful sexual assault or out of love affair is a matter of evidence. Considering the fact that, now the investigation is completed and charge-sheet is filed, further incarceration of the applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Chetan s/o Digambar Ambule in connection with Crime No.29/2025 registered with Police Station Wadi, Nagpur, District Nagpur for the offences punishable under Sections 64(2)(m), 351(2) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i)(ii), 3(2)(va), 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 2015, be released on bail, on executing PR. Bond in the

sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the vicinity of village Bakitola, Post Sadak Arjuni, District Gondia till culmination of the trial.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

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

7. The contravention of any of the condition would lead to the cancellation of bail.

8. The application stands disposed of.

9. The fees of the appointed Counsel be quantified as per Rules.

(URMILA JOSHI-PHALKE, J.)