



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

CRIMINAL APPLICATION (ABA) NO.327 OF 2025

Mohan s/o Laxman Sondkar and another
Vs.

State of Maharashtra, through Police Station Officer, Police Station
Shegaon, District Buldhana and another

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

Court's or Judge's orders

Mr. N. R. Tekade, Counsel for the applicants.
Mr. C. A. Lokhande, APP for non-applicant No.1/State.
Mr. V. V. Sharma, appointed Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/07/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.187/2025 registered with Police Station Shegaon, District Buldhana for the offences punishable under Sections 3(5), 351(2), 351(3), 64, 64(2)(d) and 69 of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of bail.

2. The crime is registered on the basis of report lodged by the victim aged about 19 years on an allegation that the other co-accused Sunil is her relative and present applicant No.2 took her at her house as she was suffering from some ailment and when she was residing at her house, in her absence the other co-accused has subjected her for the forceful sexual assault. On the basis of the said

report, police have registered the crime against the present applicants.

3. Heard learned Counsel for the applicants who submitted that as far as the allegation is concerned, which is only to the extent that though she was having knowledge about the act of the co-accused, she has not taken any action against the co-accused and has not filed any complaint and thereby contravened the provisions. In view of that, she is arraigned as an accused. He submitted that, considering the allegation levelled against her, her custodial interrogation is not required.

4. Learned APP and learned appointed Counsel for the non-applicant No.2 – victim strongly opposed the said application and submitted that in connivance with the present applicants, the other co-accused has committed the offence which is of a serious nature. In view of that, the application deserves to be rejected.

5. On perusal of the entire FIR, it reveals that no specific role is attributed to the present applicants. As far as the relationship between the victim and the present applicants is concerned which is admitted. The alleged incident has also taken place in the absence of the present applicants and major allegations are levelled against the co-accused. Considering the same, the application deserves to be

allowed. Accordingly, I proceed to pass following order :

ORDER

- (i) The application is allowed.
 - (ii) The interim protection granted to the present applicants by order dated 09.05.2025 is hereby confirmed on the condition that they shall attend the concerned Police Station as and when required for the investigation purpose on issuance of notice in advance to them and shall cooperate with the investigating agency.
 - (iii) The applicants 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.
6. The fees of the appointed Counsel be quantified as per rules.
7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)