



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

CRIMINAL APPLICATION (BA) NO.579 OF 2025
(Ashwin s/o Ashok Bansod 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

Shri A.C. Jaltare, Advocate for the applicant.
Shri Nitin Rode, APP for the State.
Ms G.S. Jain, Advocate (appointed) for non-applicant no.2.

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

The applicant came to be arrested on 13.09.2024 in connection with Crime No.233/2024 registered with Police Station Bajaj Nagar, District Nagpur for the offences punishable under Sections 64, 137(2) of the Bhartiya Nyaya Sanhita read with Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The crime is registered initially on the basis of a report lodged by the mother of the victim girl on an allegation that on the day of incident victim left the house and not returned back. On the basis of the said report, police have registered the crime against the unknown person. During investigation, the involvement of the present applicant revealed. The statement of the victim was also recorded wherein she has stated that she born on 17/10/2011 and the present applicant on the promise of marriage took her along with him and subjected her for

the forceful sexual assault. On the basis of the said report, police have registered the crime and carried out the investigation.

3. Learned Counsel for the applicant submitted that the manner of the statement reveals that it was the victim who joined the company of the present applicant. She stayed along with him at various places in the hotel and lodged; however, she has not made any grievances as to the forceful sexual assault. She also travelled by the public transport wherein also she has not made any grievances. As far as the consent of the victim is concerned which is admittedly not relevant but considering the nature of the evidence it reveals that it was the victim who joined the company of the present applicant and not made any grievances. Now, the investigation is already completed and charge-sheet is filed. No purpose will be served by keeping the applicant behind bar. In view of that, the applicant be released on bail.

4. Learned APP and learned Counsel for the victim strongly opposed the application and submitted that the victim was below 13 years of age, her consent is not relevant, her statement discloses that it was a love affair and out of love affair she went along with the present applicant. It was complete a misconception of fact under which the applicant has taken her and subjected her for the forceful sexual assault. In view of that, the application deserves to be rejected.

5. After hearing learned Counsel for both the sides and on perusal of the investigation papers it reveals that it was the victim who joined the company of the present applicant. As far as her consent is concerned admittedly, being as per the material collected she was below 18 years of age. As far as her age which is narrated by the prosecution is concerned there is no material collected during the investigation to show that she was 13 years age at the time of the incident. Now, investigation is completed, charge-sheet is filed. Considering the nature of the statement of the victim and the fact that she stayed along with the applicant on various places, not made any grievances. 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 – Ashwin s/o Ashok Bansod in connection with Crime No.233/2024 registered with Police Station Bajaj Nagar, District Nagpur for the offences punishable under Sections 64, 137(2) of the Bhartiya Nyaya Sanhita read with Section 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, 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 attend the proceedings before the Trial Court without seeking any exemption unless there are exceptional circumstances.

(iv) The applicant shall not enter into the jurisdiction of Bajaj Nagar Police Station, District Nagpur till the culmination of the trial.

(v) 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.

(vi) A single instance of tampering of the prosecution witnesses would lead to the cancellation of bail.

6. The application stands disposed of.

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

(URMILA JOSHI-PHALKE, J.)