



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

CRIMINAL APPLICATION (BA) NO. 700 OF 2025

Rohit s/o Sonaji Shende

Vs.

The State of Maharashtra, through Police Station, Tirora, District Gondia
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. Sagar J. Chavhan, Counsel for the applicant.

Mr. Nitin Rode, APP for non-applicant No.1/State.

Ms. Radha M. Mishra, appointed Counsel for the non-applicant No.2/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 19/08/2025

1. The applicant came to be arrested on 12.03.2025 in connection with Crime No.226/2025 registered with Police Station Tirora, District Gondia for the offence punishable under Sections 74, 78(1), 115, 352, 351(3), 333 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The crime is registered on the basis of report lodged by the mother of the victim girl on an allegation that on 03.03.2025 she was informed by her brother-in-law that the victim was not well therefore, she was taken to the hospital and the Medical Officer has informed that she should not be under stress. On inquiry with the victim girl, the

victim girl has disclosed that the present applicant has assaulted her on her chest. 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 afterthought the said FIR was lodged, due to previous enmity after nine days of the incident, no explanation as to the delayed FIR. As far as the allegations are concerned, which are not regarding the sexual assault on the victim girl. Now the investigation is already completed, charge-sheet is already filed and further incarceration of the applicant is not required. In view of that, he be released on bail.

4. Learned APP and learned appointed Counsel for the non-applicant No.2 – victim strongly opposed for the same on the ground that, considering that the present applicant entered into the house, assaulted the victim and also threatened her, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals that the allegation is to the extent of assault on her chest. As far as sexual harassment and sexual assault are concerned, she declined to undergo the medical examination and there is no allegation of penetrative sexual assault also. Thus, considering the fact and allegations, the

investigation is already completed, further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Rohit s/o Sonaji Shende** shall be released on bail in connection with Crime No.226/2025 registered with Police Station Tirora, District Gondia for the offence punishable under Sections 74, 78(1), 115, 352, 351(3), 333 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, 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 proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

(iv) The applicant shall not induce, threat or promise any witnesses including victim either physically or through electronic media.

(v) The applicant shall not enter into the vicinity of village Selotpar, Taluka Tirora, District Gondia, till culmination of the trial.

6, The fees of the appointed Counsel be quantified as per rules.

(4)

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7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate