



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION(BA) NO.715 OF 2025
Abhishek Arun Suradkar Vs. State of Maharashtra and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.S.P.Ingle, counsel for the applicant.
Ms.Trupiti Udeshi, APP for the State.
Ms. Garima Jain, counsel for non applicant No.2.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 09/09/2025

1) The applicant has filed this application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail after filing of the charge-sheet for the offences punishable under Sections 4 and 12 of the Protection of Children From Sexual Offences Act, 2012.

2) It is the case of the prosecution that the child of five years of age was sexually abused by the applicant. The applicant was known to the victim and his family members. At the time of incident, the mother of the victim was not at home. The applicant used to visit the house of the victim as the mother of the victim was running a mess. The victim used to call the applicant as 'Abhimama'. As per the prosecution case, on the date of the incident, the husband of the first informant was not at home and she was also not at home and the son of the first informant was alone in the

home. She asked the applicant to go to home. At that time, applicant had sexually abused him by inserting his organ in his anus, which is an unnatural act. When the first informant came to the house, she found that her son was crying. She asked him why he is crying, then the victim narrated the incident, thereafter she took him to the hospital as he was having fever. Thereafter, she has lodged the complaint.

3) The learned counsel appearing for the applicant has stated that the applicant is falsely implicated in this case. The first informant and the applicant are working in same office and there is some personal grudge against each other and therefore, she has lodged the complaint with such heinous allegations against the applicant.

4) The learned counsel has further stated that there is a delay of 13 days in lodging the First Information Report. She has not taken the child immediately to the hospital, not narrated the incident to the doctor immediately. She has not disclosed the incident and not even asked the doctor to examine in that perspective. Being a mother, it is the duty of the first informant to lodge the report immediately and inform about it to the doctor. But she has not informed about it. The medical report shows that the victim was suffering from viral fever. The medical report further shows about bleeding from anus which can be caused because of constipation. The statement of the first informant was recorded after 13 days and delay can not be considered. The

applicant is 21 years of age. Considering his age and he is the only bread earner of the family, learned counsel appearing for the applicant prayed to release the applicant on bail.

5) The learned counsel appearing for the victim has stated that the child is sexually abused by the applicant. Though the delay is there, she has taken care of her child first and thereafter she has lodged the complaint. In such a heinous offence, delay can be considered. The medical report supports the allegations made by the first informant, who is the mother of the victim. The heinous act is committed by the applicant and if he is released on bail, the safety of the society will be at stake. Hence, prayed to reject the application.

6) The learned APP opposed the application stating that the allegations made against the applicant are proved through the medical report. Immediately, after the occurrence of the incident, the child was not feeling well due to trauma. He was taken to the hospital and his mother treated him and lodged the complaint. Considering the circumstances, there is a delay in lodging the First Information Report, which can be considered. Hence, prayed to reject the application.

7) Heard the learned counsel appearing for the applicant and learned APP and the learned counsel appearing for non-applicant no.2.

8) Five years child is sexually abused by the applicant. The medical report shows that even after 13 days of the incident, there was a bleeding from his anus. As per medical report *prima facie* case is made out against the applicant. Considering the heinous act committed with a child and as he was not keeping well, there is delay in lodging the First Information Report. No mother would use her child in such a heinous case to satisfy her grudge. On the contrary, to avoid humiliation in society, the delay might have been caused.

9) In view of above stated facts and circumstances, considering the act committed by the applicant, this is not a fit case to release the applicant on bail. Hence, the application is rejected.

10) The fees of the appointed counsel be quantified as per rules.

JUDGE