



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

CRIMINAL APPLICATION (BA) NO. 721 OF 2025

Hemant s/o Umrao Bhajipale

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Duggipar, 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. R. R. Vyas, Counsel for the applicant.
Mr. Adit Gohokar, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/08/2025

1. The applicant came to be arrested on 27.09.2024 in connection with Crime No.348/2024 registered with Police Station Duggipar, District Gondia for the offence punishable under Sections 64(2)(m), 65(1), 351(2) and 78 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act.

2. The crime is registered on the basis of report lodged by the victim girl aged about 15 years on an allegation that she is studying in 10th standard. On 27.09.2024 when she was proceeding along with her friend, at that time the present applicant followed her, hold her hand, dragged her and took her at railway track and thereafter, subjected her for the forceful sexual assault. 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 the victim is 15 years of age, whereas the applicant is 21 years old boy. He submitted that with the baseless and false allegation, the applicant is arrested. In fact, the allegation is not substantiated by any material as the story narrated by the victim itself appears to be improbable and unaccepted. In the light of the fact that though alleged incident has taken place at the railway track, she has not sustained a single scratch on her person. Moreover, the investigation is already completed charge sheet is already filed and further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that the victim is only 15 years of age, who has subjected for the forceful sexual assault. Her statement and the medical certificate show that her hymen was torn which sufficiently shows the involvement of the present applicant. In view of that the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers it reveals that though it is alleged by the victim that she was subjected for the

forceful sexual assault near the railway track, but admittedly, she has not sustained any single injury on her person. At this stage, it would not be appropriate to comment on the nature of the evidence which is collected during the investigation, but considering the fact that the investigation is already completed, charge-sheet is already filed and further incarceration of the present applicant is not required. Though victim is served and represented by the Counsel, but the Counsel is absent.

6. Considering the nature of the investigation material and considering the fact that now the investigation is completed, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Hemant s/o Umrao Bhajipale** shall be released on bail in connection with Crime No.348/2024 registered with Police Station Duggipar, District Gondia for the offence punishable under Sections 64(2) (m), 65(1), 351(2) and 78 of Bharatiya Nyaya Sanhita, 2023 and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 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 Rengepar (Pandhari), Taluka

Sadak/ Arjuni, District Gondia, till culmination of the trial.

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

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

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)