



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

CRIMINAL APPLICATION (BA) NO. 730 OF 2025

Vijay Shalikram Rehapade Vs State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.V. Sirpurkar, counsel for applicant.

Mr. A.M. Ghogare, APP for non-applicant/State.

Mr. Syed Salman Ali, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/08/2025.

1. The applicant came to be arrested on 03/03/2025 in connection with Crime No. 211 of 2025 registered at Police Station Bhandara for the offence punishable under Sections 64, 65(2), and 75 of the Bhartiya Nyaya Sanhita, 2023; Sections 4, 6, 8, and 12 of the Protection of Children from Sexual Offences Act, 2012; and Sections 3(2)(v), 3(1)(w)(i), and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes Act, 1989, the applicant approached this Court for grant of bail.

2. Heard learned counsel for the applicant, who submitted that the crime is registered on the basis of a report lodged by the mother of the victim girl. It is alleged that on 03/03/2025, her daughter went to Sitaram City Society for playing a game with her friends. After 13 minutes, she returned home by weeping and disclosed that she was subjected for sexual

harassment and assault by the present applicant. The victim disclosed the entire incident to her mother. As per the allegations, the present applicant had touched the private parts of the victim, who is 11 years of age. On the basis of the said report, police have registered the crime. During the investigation, the statement of the victim was also recorded.

3. Learned counsel for the applicant submitted that there was some dispute when the victim's mother and the present applicant were residing in the said Sitaram City Society on account of parking, and due to the said dispute, the present applicant has been falsely implicated in the alleged offence.

4. Learned counsel for the applicant submitted that provisions of Sections 4 and 6 of the POCSO Act are not attracted in the present case, as there is no allegation of penetrative sexual assault against the applicant. The Sessions Court has also observed the same. It was further submitted that the remaining allegations are false and baseless. Considering that the investigation has been completed and the charge sheet has already been filed, further incarceration of the applicant is not required.

5. Learned APP strongly opposed for the same and submitted that, considering the victim girl is only 11 years of age and was subjected for sexual harassment by the present applicant, the application

deserves to be rejected. It is further submitted that, there is every apprehension of tampering of the witnesses if the applicant is released on bail.

6. Heard learned counsel for the victim also reiterated the said contentions.

7. On hearing both sides and on perusal of the investigation papers, it reveals that recitals of the FIR and statement of the victim substantiate the allegations. As far as the involvement of the present applicant is concerned, which can be considered at the stage of the trial. At this stage, the defence of the accused is not to be looked into. Considering the fact that the investigation is already completed and the charge-sheet is already filed, further incarceration of the present applicant is not required. The alleged offence punishable upto seven years, in view of that, the application deserved to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- a] The criminal application is allowed.
- b] The applicant – ***Vijay Shalikram Rehapade*** shall be released on bail in connection with Crime No. 211 of 2025 registered at Police Station Bhandara for the offence punishable under Sections 64, 65(2), and 75 of the Bhartiya Nyaya Sanhita, 2023; Sections 4, 6, 8, and 12 of the Protection of Children from Sexual Offences Act, 2012; and

Sections 3(2)(v), 3(1)(w)(i), and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes Act, 1989, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c] The applicant shall not enter into the District Bhandara except attending the proceedings before the trial Court.
- d] The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.
- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- f] The fees of the appointed counsel be quantified as per rule.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]