



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

CRIMINAL APPLICATION (BA) NO.771 OF 2025

Sukhdev s/o Beniram Hanwate

Vs.

State of Maharashtra, through Amgaon Police Station, 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. D. N. Mehta, Counsel for the applicant.

Ms. M. A. Barabde, APP for non-applicant No1/State.

Ms. A. R. Sharma, appointed Counsel for non-applicant No.2 – victim.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 19/08/2025

1. The applicant came to be arrested on 13.09.2024 in connection with Crime No.431/2024 registered with Police Station Amgaon, District Gondia for the offence punishable under Sections 64, 74, 76 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act.

2. The crime is registered on the basis of report lodged by the mother of the victim on an allegation that on the day of incident the victim had been to graze the cattle on 08.09.2024 at about 3.00 p.m., after some time, she returned home in a scared condition and disclosed the incident that the present applicant has called her in the house on a pretext of giving foodstuffs and subjected for the

non-penetrative 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 now the investigation is already completed, charge-sheet is already filed. Considering the allegation levelled against the present applicant, his further incarceration is not required. In view of that, he be released on bail. He further submitted that FIR is filed after five days, and there is no explanation and placed reliance on the observation of this Court in the **Criminal Revision Application No.35/2006 [Bhimrao s/o Arjun Panchal Vs. The State of Maharashtra] dated 31.08.2023** and also placed reliance on the bail order passed by this Court in **Criminal Appeal No.207/2025 [Satish @ Pramod s/o Yashwant Dalal Vs. State of Maharashtra and another] decided on 30.06.2025** and submitted that in a similar circumstances the application for grant of bail is considered by this Court.

4. Learned APP and learned appointed Counsel for the non-applicant No.2 – victim strongly opposed the said application and submitted that considering the gravity of the offence, the applicant has disrobed the victim girl and physically touched to her private part, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, as far as the allegations are concerned, the statement of the victim is consistent as to the act of the present applicant. The involvement of the present applicant reveals from the statement of the victim, which is recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), as well as the statement recorded by the police. Admittedly, the allegation is not of penetrative sexual assault. The investigation is already completed, charge-sheet is filed. As far as the part of delay is concerned, which can be considered at the time of trial. At this stage, considering the allegation levelled against the present applicant and considering the fact that investigation is already completed, further incarceration of the present applicant is not required, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Sukhdev s/o Beniram Hanwate** shall be released on bail in connection with Crime No.431/2024 registered with Police Station Amgaon, District Gondia for the offence punishable under Sections 64, 74, 76 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 8 and 12 of the Protection of Children from Sexual

Offences Act, on executing PR bond of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant shall not enter into the vicinity of Amgaon, District Gondia, till culmination of the trial.

(iv) The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstantial and shall cooperate with the Court to dispose of the trial as the trial is already commenced.

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

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

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)