



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

CRIMINAL APPEAL NO. 324 OF 2025

Rohit s/o. Harichandra Sonavane Vs. State of Maharashtra and Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. M. Sinha, Advocate for the Applicant.
Ms M. A. Barabde, A.P.P. for the Non-applicant/State.
Mr. S. R. Jaiswal, Advocate for Non-applicant No.2.

CORAM : MRS. VRUSHALI V. JOSHI,J.

DATED : 06/10/2025.

. Heard.

2. The appellant is arrested in Crime No.6/2025 registered at Police Station Sindi, District Wardha for the offences punishable under Sections 64(2)(i), 65(1), 74, 75(1)(ii), 78(1)(ii), 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023, Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i)(ii), 3(2)(va), 3(2)(v) of the Scheduled Castes and the Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. It is the prosecution case that, the appellant and the victim are neighbour. They exchanged messages on Instagram. Thereafter, in the month of July, the appellant called her at his house to meet his mother and at that time, he took her photographs. Thereafter, he used to call her at his house and they had sexual relations. The victim has stated that the appellant has given threat that he will viral her photograph and had sexual relations. The last incident took place in the cowshed. The people gathered there and thereafter, she had lodged the complaint and the offence is

registered.

4. The learned Counsel for the applicant has stated that though the girl is near about 14 years, they had love affair and out of the love affair, they had sexual relations. The girl has narrated the history about love affair when she was taken for medical examination. The medical report does not support the case of the prosecution about forcible sexual intercourse. Hence, prayed to release the applicant on bail.

5. The learned A.P.P. opposed the application stating that though the medical report does not support the forcible sexual relations, the hymen was torn. Though there was no injury, she was sexually assaulted. Hence, prayed to reject the application.

6. Heard both the learned Counsel for the respective parties.

7. The offence under the provisions of POCSO and the Atrocities Act is registered against this applicant. It appears from the First Information Report that both of them are having friendly relations. They used to chat on Instagram. The earlier incidents which she has narrated are about his calling and she used to go to his house. It appears from the mobile, which was seized, that there is no any image and the last incident which she has narrated does not support with the medical report as she has narrated about forcible sexual relations. She was found in cowshed along with the applicant and thereafter, the crime is registered.

8. Considering the circumstances, a case is made out to release the applicant on bail. Accordingly, I pass

following order:

- i] The appeal is allowed.
- ii] The applicant shall be released on bail in connection with Crime No.6/2025 registered at Police Station Sindi, District Wardha for the offences punishable under Sections 64(2)(i), 65(1), 74, 75(1)(ii), 78(1)(ii), 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023, Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w) (i)(ii), 3(2)(va), 3(2)(v) of the Scheduled Castes and the Scheduled Tribe (Prevention of Atrocities) Act, 1989, on furnishing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- iii] The applicant shall not in any way tamper with the prosecution evidence.
- iv] The applicant shall not pressurize or threaten the prosecution witnesses.
- v] The applicant shall co-operate the investigation officer.
- vi] The applicant shall not entered into the vicinity of Tahsil Samudrapur, District Wardha.

The fees of the appointed Counsel be quantified as per Rules.

The appeal stands disposed of.

(MRS. VRUSHALI V. JOSHI, J.)