



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

CRIMINAL APPLICATION(ABA) NO. 778 OF 2025

Akash Tulshiram Surve Vs. State of Maharashtra

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

Court's or Judge's Orders.

Mr.A.B.Karnavat,counsel for the applicant.
Ms.T.H.Udeshi,APP for the State.
Mr.Kunal Pande, appointed counsel for non applicant No.2.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 04/12/2025

1. Heard.
2. The applicant has apprehension of arrest in Crime No.0325/2025 registered for the offences punishable under Sections 74, 78 of the Bharatiya Nyaya Sanhita, 2023 and Section 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The applicant and the victim are the neighbours. The applicant is 32 years and the victim is 14 years of the age. The victim is school going child. The applicant has given her chocolate and told her that he likes her and love her. Thereafter she also started loving him. There is exchange of letters. The letter is filed on record, which is marked as Article- 'X' for identification.

4. The allegations are made that the applicant took her in car and took the photographs. As per the First Information Report everything was done under pressure and by threats. However, the learned Counsel for the applicant has produced the chits, which the victim has given to the applicant which indicates that the victim was in love with the applicant. She has stated about the force from her parents for lodging the First Information Report against the applicant.

5. On 15/10/2025, while granting ad-interim protection to the applicant, the condition was imposed to surrender the mobile and car.

6. The learned APP has opposed the application stating that he has surrendered the mobile, he has not surrendered the car, which was used in the said crime. The applicant is not co-operating the police machinery and has not complied with the conditions imposed by this Court.

7. The learned counsel appearing for non applicant No.2 has pointed out that before the trial court the victim and her mother have stated that if the applicant is protected by granting anticipatory bail, then there is every possibility of commission of an offence. The victim is 14 years of age. She is immature. The chits, which are produced on record appears no signature. Any one can scribe such letters. Considering her age and the age of the applicant, the application be rejected.

8. Heard both the sides and perused the record.
9. The applicant is 32 years of age. The allegations are made that he has taken the child in car and took the photographs. Though the condition is imposed to surrender the car, he has not surrendered it and considering the apprehension disclosed by the mother of the victim and the victim herself, no case is made out to protect the applicant by granting anticipatory bail. Custodial interrogation of this applicant is required. Hence, the application is rejected.
10. Fees of the appointed counsel be paid as per rules.

JUDGE