



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

CRIMINAL APPLICATION (ABA) NO. 811 OF 2025

(Deepak s/o Madhukar Malwe vs. State of Maharashtra through PSO PS Borgaon Manju, Tq.
Dist. Akola)

WITH

CRIMINAL APPLICATION (ABA) NO. 798 OF 2025

(Bajrang s/o Nagorao Solanke vs. State of Maharashtra through PSO PS Borgaon Manju, Tq.
Dist. Akola and another)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

ABA No.811/2025 :-

Mr. Vidit Lohiya, Advocate for applicant.
Mr. Ujjwala PHasate, APP for respondent-State.
Mr. H.Mohta, Advocate for respondent No.2.

ABA No.798/2025 :-

Mr. S.V.Sirpurkar, Advocate for applicant.
Mr. Ujjwala PHasate, APP for respondent-State.
Mr. H.Mohta, Advocate for respondent No.2.

CORAM : MRS. VRUSHALI V. JOSHI, J.
DECEMBER 01, 2025

- 1) The applicants are apprehending arrest in Crime No.318/2025, registered with Police Station, Borgaon Manju, Taluka District Akola, for the offence punishable under Sections 74, 78, 351(2) and 3(5) of Bharatiya Nyay Sanhita, 2023 (BNS), read with Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO).
- 2) The allegations made against the applicants are that on 05/10/2025 at about 7.00p.m. to 7.30p.m. the victim went to see procession near the house. While she was watching the said procession Bajrang Solanke stood beside her and he caught her

hand and pulled her towards him. She got frightened by the said act, she left the place and started approaching her house at that time Deepak Malwe ran behind her and caught hold of her. The victim some how manage and rescued herself. Thereafter, villagers, namely, Raju Diwane and Shanku Kharate had confronted the applicants about their behaviour why they are harassing the victim and thereafter, on the complaint lodged by the complainant, crime is registered.

3) Mr.Sirpurkar, learned counsel for the applicant Bajrang has stated that Bajrang Solanke is a Government Servant and is doing job at Parbhani, which is 300 kms away from the spot of incident. He was not present on the date of incident. Earlier the relative of the Bajrang, namely, Raju Narayan Solanke has lodged the complaint against the complainant under the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, 1989 out of family dispute and therefore, both the applicants are falsely implicated in this case. He further stated that there is no compliance of Section 41-A of the Code of Criminal Procedure, 1973 (Cr.P.C.) before registration of the crime. The applicants are falsely implicated.

4) Mr. Lohiya, learned counsel for appearing for applicant Malve has stated that there is statement of eye witnesses, who were present at the time of procession that such type of incident is impossible. Considering the earlier FIR, the applicants are falsely implicated in the alleged offence therefore, prayed to protect the applicants by granting anticipatory bail.

5) Mr.Phasate, learned APP opposed the applications stating that it is not correct that because of the earlier offence, they were falsely implicated in the alleged crime. Therefore, prayed to reject both the applications.

6) Mr. Mohta, learned counsel (appointed) for respondent No.2 also opposed the applications stating that applicants caught hold the hand and they tried to embrace her. The allegations are serious, and therefore, custodial interrogation is necessary. Hence, he prayed to reject the applications.

7) Heard both the counsels. On perusal of the record it appears that the earlier offence was registered against the against the family members of the victim by Raju Solanke who is the relative of applicant Bajrang Solanke. There is no compliance of Section 41-A of Cr.PC. The applicant, namely, Bajrang Solanke was in office at that time, which is 300 km. away from the spot of incident. As there is previous enmity and earlier offence was registered, there is every possibility of false implication. Therefore, the case is made out to protect the applicants by granting anticipatory bail. Hence, I proceed to pass following order :-

ORDER

1) Both the applications are allowed.

2) It is directed that in the event of arrest of the applicants, namely, **(i) Deepak s/o Madhukar Malwe** **(ii) Bajrang s/o Nagorao Solanke** in connection with Crime No.318/2025, registered with Police Station, Borgaon Manju, Taluka District Akola, for the offence punishable under Sections 74, 78, 351(2) and 3(5) of BNS, 2023, read with Sections 8 and 12 of the POCSO Act, 2012 shall be released on bail on furnishing P.R. Bond in the sum of Rs.20,000/- each (Rupees Twenty Thousand) with one solvent surety in the like amount.

3) The applicants shall not in any way tamper with the prosecution evidence.

- 4) The applicants shall not pressurise or threaten the prosecution witnesses.
- 5) The applicants shall attend the concerned police station on once in a week till filing of the charge-sheet.
- 6) The applicants shall co-operate the investigation officer.

(MRS. VRUSHALI V. JOSHI, J.)