



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

CRIMINAL APPLICATION (BA) NO.1207 OF 2024

Swapnil Sahdeo Barbat

Vs.

The State of Maharashtra, through Police Station Officer, Police Station,
Kalmana Nagpur 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. S.G. Karmarkar, Counsel for the applicant.

Mr. Anant Ghogare, APP for non-applicant No.1/State.

Ms Varsha Warade, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 06/03/2025

1. The applicant came to be arrested in connection with Crime No.606/2024 registered with Police Station, Kalamna, District Nagpur for the offences punishable under Sections 137(2), 65(1), 64(2)(M) of the Bharatiya Nyaya Sanhita (for short, 'BNS') 2023 and under Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO') Act and under Section 66(E) of the Information Technology Act (for short, 'I.T.') Act.

2. Heard learned counsel for the applicant, who submitted that the crime is initially registered on the basis of the report lodged by the mother of the victim girl, on an allegation that the victim, who is her daughter aged about 14 years has left the house without informing nobody. On the basis of the said report police have registered the missing report.

During investigation it revealed that victim girl developed the relationship with the present applicant and who has subjected her forceful sexual assault. The Statement of the victim girl is also recorded which shows that the present applicant was introduced to her by the co-accused Seema and thereafter there was physical relationship developed between them. As far as the involvement of the present applicant is concerned, the statement of the victim is recorded.

3. Learned APP strongly opposed the said application on the ground that victim girl is only 14 years old. Her consent is not relevant. In view of that the application deserves to be rejected.

4. Learned Counsel for the victim also reiterated the said contentions and prayed for rejection of the bail application.

5. On hearing the both the sides and perusal of the investigation papers there is not dispute that victim girl is minor at the relevant time. Now investigation is already completed. Charge-sheet is also filed. The co-accused Seema is already released on bail. The involvement of the present applicant reveals from the statement and investigation papers. However, considering that the investigation is completed charge-sheet is filed. His further incarceration is not required. The application deserves to be allowed.

ORDER

(i) The application is allowed.

(ii) The applicant **-Swapnil s/o Sahdeo Barbat**, shall be released on bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount, in connection with Crime No.606/2024 registered with Police Station, Kalamna, District Nagpur for the offences punishable under Sections 137(2), 65(1), 64(2)(M) of the Bharatiya Nyaya Sanhita and under Section 4 of the Protection of Children from Sexual Offences Act, 2012 and under Section 66(E) Information Technology Act.

(iii) The applicant shall not enter the vicinity of Gulshan Nagar near Ram Mandir in the jurisdiction of Kalamana Police Station till the filing of the charge-sheet before the trial Court.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(v) The applicant shall attend the proceeding before the concerned Court without seeking any exemption unless there are exceptional circumstances.

6. The fees of the appointed counsel for the victim be quantified as per rules.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

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