



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

CRIMINAL APPLICATION (BA) NO.1200 OF 2024

(Mr. Pranay s/o Madhukar Darvare Vs. The State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. N.P. Meshram, Advocate for the applicant.
Mr. C.A. Lokhande, APP for the State.
Ms G. Ansari, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 18, 2025.

By this application, the applicant is seeking bail in connection with Crime No.222/2024 registered with Police Station Bajaj Nagar, Nagpur, District Nagpur for the offences punishable under Sections 376, 376(2)(n), 376(3), 354(A) and 506 of the Indian Penal Code and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The crime is registered on the basis of report lodged by the father of the victim on an allegation that the victim is a daughter and his wife left his house along with his children. Though he was searching for them he could not traced them and subsequently, on 14/07/2024 he received a phone call of his daughter and he made a complaint against her mother, therefore, he approached to his daughter. His daughter disclosed that she is subjected for the sexual assault by the present applicant. On the

basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the allegations are concerned, the report is lodged after two years of the incident. It is not substantiated by the statement of the mother of the victim. She has initially not narrated the incident to the Medical Officer also when she was referred for the medical examination. Now, the investigation is already completed and charge-sheet is filed. Thus, further incarceration of the present applicant is not required.

4. Learned APP and learned Counsel for the victim strongly opposed the application on the ground that a minor victim girl was subjected for the forceful sexual assault. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. Perused the investigation papers from which it reveals that victim has narrated the incident after two years of the said incident. Moreover, mother has not supported the prosecution case. Learned Counsel for the applicant has placed on record some letters to show that a victim was having love affair with one boy. He submitted that as the said love affair was opposed, and therefore, the present report is lodged against the present applicant falsely.

6. Present applicant has come with a case of total denial. As far as the history narrated before the Medical Officer is concerned wherein no such incident is narrated by the victim. Considering now the investigation is completed and considering the nature of the evidence collected during the investigation, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) The applicant - Mr. Pranay s/o Madhukar Darvare in connection with Crime No.222/2024 registered with Police Station Bajaj Nagar, Nagpur, District Nagpur for the offences punishable under Sections 376, 376(2)(n), 376(3), 354(A) and 506 of the Indian Penal Code and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the vicinity of village Malshiras, Taluka Malshiras, District Solapur, till culmination of the trial.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted

with the facts of the case either personally or by way of electronic media.

(v) The applicant shall furnish his detailed address with address proof, before the investigating agency.

7. The application stands disposed of.

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

(URMILA JOSHI-PHALKE, J.)

**Divya*