



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

CRIMINAL APPLICATION (BA) NO.1248 OF 2024

Himanshu s/o Uttam Rangari

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Hudkeshwar, 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. P. Sonwane, Counsel for applicant.

Ms. M. A. Barabde, APP for non-applicant No.1 / State.

Mr. Syed Salaman Ali, appointed Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/04/2025

1. Present application is preferred by the applicant for grant of bail in connection with Crime No.393/2024 registered with Police Station, Hudkeshwar, Nagpur for the offence punishable under Sections 354-A, 376, 506(2) of the Indian Penal Code and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The allegation is levelled against the present applicant on the basis of report lodged by the victim girl aged about 16 years on an allegation that on 14.05.2024 she has attended one Haldi ceremony at the house of her relatives, and thereafter she was along with her friends roaming in front of the house, at that time present applicant approached to her and

expressed his feelings to her, and thereafter took her along with him and subjected her for forceful sexual assault. On the basis of the said report, police have registered crime against the present applicant.

3. Heard learned Counsel for the applicant, who submitted that there was a previous acquaintance of the applicant with the victim, they were in relationship and out of that victim went along with him and physical relationship was developed between them out of the said affair. Now the investigation is already completed and charge-sheet is already filed. He invited my attention towards the chat between both of them and submitted that from the said chat, it reveals that they were in relationship.

4. Learned APP and learned Counsel for the victim strongly opposed for the same on the ground that considering that the minor victim girl was subjected for the sexual assault, her consent is not relevant. The application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that the investigation is completed. The statements of the witnesses are recorded which not supports the case of the victim. Moreover, it reveals from the chat between both of them that they were in relationship and out of that relationship, she went along with him

and the physical relationship was also developed between them. Considering the fact that now the investigation is already completed, charge-sheet is already filed and further incarceration of the applicant is not required. In view of that, application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Himanshu s/o Uttam Rangari** shall be released on bail, in connection with Crime No.393/2024 registered with Police Station, Hudkeshwar, Nagpur for the offence punishable under Sections 354-A, 376, 506(2) of the Indian Penal Code and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on executing PR Bond of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant shall not enter into the jurisdiction of Hudkeshwar Police Station, till the culmination of the trial.

(iv) The applicant shall not induce, threat or promise any witnesses including the victim either physically or through electronic media.

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

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

(4)

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7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate