



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

CRIMINAL APPLICATION (ABA) NO. 876 OF 2024

Sunil Dhanpal Chahande

.vs.

State of Maharashtra, through PSO, PS Koradi, Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr Gurpreet Singh Chandok, Advocate for the applicant
Mr M. K. Pathan, APP for the non-applicant No.1/State
Ms Mohini Sharma, Advocate (appointed) for non-applicant No.2

CORAM : G.A. SANAP J.

DATE : FEBRUARY 05, 2025

Heard.

2. This is an application for anticipatory bail in crime bearing No. 323 of 2024 registered at Koradi Police Station, District Nagpur City, for the offences punishable under Sections 75(1)(i), 78(1)(i) of the Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 12 of the Protection of Children From Sexual Offences Act, 2012.

3. The learned Advocate for the applicant would submit that the allegations against the applicant/accused are false and frivolous. The charge-sheet in the crime has been filed. The learned Advocate would submit that the anticipatory bail application is opposed on the ground that the mobile phone is to yet to be recovered. The learned Advocate would submit that the accused is ready to

produce his mobile phone. He further submit that for the purpose of recovery of mobile phone he shall be deemed to be in the police custody.

4. The learned APP would submit that charge-sheet has been filed. The learned APP would submit that considering the serious nature of the crime and age of the victim it would not be just and proper to grant him protection from arrest.

5. I have gone through the record and proceedings. The charge-sheet has been filed. According to the prosecution, for the purpose of recovery of mobile, custody of the accused is necessary. The accused has expressed his willingness to produce the mobile phone. The crime was registered on 29.10.2024. The victim on the date of the incident was 11 years old. She is not resident of the same village. She had come, as a guest, to her relative's house. The main offence alleged to have been committed is of sexual harassment. In view of the above, in my opinion the protection from arrest can be granted to the accused. The apprehension *put forth* by the learned APP can be taken care of by imposing appropriate conditions. Hence, following order:

- i] The criminal application is allowed.

ii] It is directed that in the event of arrest of the applicant- Sunil Dhanpal Chahande in connection with Crime No.323 of 2024, registered with Police Station Koradi, District Nagpur City for the offences punishable under Sections 75(1)(i), 78(1)(i) of the Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 the applicant shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall attend the trial Court on every date.

vi] The applicant shall co-operate the investigating officer.

6. It is made clear the for the purpose of recovery of the mobile phone, which the accused has assured to produce, he shall be deemed to be in police custody.

7. The learned appointed advocate for non-applicant No.2 be paid professional fees as per rules.

8. The criminal application stands **disposed of**, accordingly. Pending applications, if any, also stand disposed of.

(G. A. SANAP, J)

Namrata