



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

CRIMINAL APPEAL NO. 207 OF 2025

Satish @ Pramod S/o Yeshwant Dalal,
Aged about 52 years,
Occ. Newspaper Distributor,
R/o. Bramhapuri, Tha. Bramhapuri,
District Chandrapur. **APPELLANT**

Versus

1. State of Maharashtra,
Through Police Station Officer,
P.S. Bramhapuri, Tq. Bramhapuri,
District Chandrapur.
2. X.Y.Z. (Victim in Crime No.557/2024)
registered by P.S.O. Bramhapuri,
District Chandrapur. **RESPONDENTS**

Mr. R.M. Patwardhan, Advocate for the Appellant.
Mr. M.J. Khan, A.P.P. for the Respondent No.1/State.
Mr. S.B. Taywade, Advocate (Appointed) for the Respondent
No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 30th JUNE, 2025.

ORAL JUDGMENT :-

1. Heard.

2. **Admit.**

3. By preferring this Appeal, the Appellant has challenged the order passed by the Special Judge/ASJ, Chandrapur in POCSO Case No. 9/2025 below Exh.13 dated 24.03.2025 rejecting the application of the present Appellant for grant of bail.

4. The Appellant is arraigned as an accused in connection with Crime No.557/2024 registered with Police Station Bramhpuri, District Chandrapur under Sections 74, 75(1), 76, 64, 65(1), 296 of Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO" for short) and under Sections 3(1)(w)(i)(ii), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred as "the Atrocities Act" for short).

5. The crime is registered on the basis of report lodged by the mother of the Victim on an allegation that her daughter aged about 8 years was subjected for sexual harassment at the

hands of the present Appellant. On the basis of the said report, police have registered the crime against the present Appellant.

6. After registration of the crime, the Appellant approached to the Special Court for grant of bail but the same was rejected, hence this Appeal.

7. Heard learned Counsel for the Appellant, who submitted that, as per the allegations levelled against the present Appellant on the basis of the statements of both the Victim girls who alleged that the present Appellant kissed on their cheeks as well as touched to their private parts inappropriately. On the basis of the said statements, the crime was registered against the present Appellant under the relevant provisions. He invited my attention towards the CCTV footage and submitted that the CCTV footage nowhere shows that there were any act except kissing on their cheeks. Thus, the offence under Section 4 or 6 of the POCSO Act, is not made out. Now investigation is already completed and charge-sheet is already filed further incarceration of the present Appellant is not required.

8. Learned APP for the Respondent No.1/State and learned Counsel for the Respondent No.2/Victim, strongly opposed the Appeal and submitted that, admittedly, in CCTV footage no further act except kissing is recorded, however, that incident has not occurred at the same place but it was in the premises of the house of the Victim. Thus, considering it may have not recorded in the CCTV footage but the allegations levelled by the Victim are serious in nature, they are very tender age girls and if the Appellant is released on bail he may tamper the prosecution evidence. In view of that, the Appeal deserves to be dismissed.

9. On hearing both the sides and on perusal of the investigation papers it reveals that, entire case revolves around the statements of two Victim girls. The statements of the two Victim girls show that they were playing on their bicycle and present Appellant helped them in fixing the chain of the bicycle, at that time, he kissed both the girls. It is further alleged by both the girls that, he has also inappropriately touched to their private parts. Their statements show that when they were at the premises of their house, at that time, they were caught by the present Appellant and he has touched to their private parts.

Admittedly, the CCTV footage nowhere discloses the subsequent incident of touching inappropriately. At this stage, it would not be proper to comment on the nature of the statement of the Victim but considering now investigation is already completed, charge-sheet is already filed, further custodial interrogation of the present Appellant is not required. In view of that, the Appeal deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- i. The Appeal is **allowed**.
- ii. The Appellant – Satish @ Pramod S/o Yeshwant Dalal, shall be released in connection with Crime No. Crime No.557/2024 registered with Police Station Bramhapuri, District Chandrapur under Sections 74, 75(1), 76, 64, 65(1), 296 of Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (“POCSO” for short) and under Sections 3(1)(w)(i)(ii), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on executing PR. Bond in the sum of Rs.50,000/- with one solvent surety in the like amount.

- iii. The order passed by the Special Judge/ASJ, Chandrapur in POCSO Case No. 9/2025 below Exh.13 dated 24.03.2025, rejecting the application for grant of regular bail, is hereby quashed and set aside.
 - iv. The Appellant 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 Appellant shall not enter into the vicinity of Village Bramhapuri, till culmination of the trial.
 - vi. The Appellant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.
 - vii. Fees of the learned Appointed Counsel be quantified as per rules.
10. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI PHALKE, J.)