



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

CRIMINAL APPLICATION (BA) NO. 227 OF 2025

(Jitendra Mansaram Chavan

Vs.

State of Maharashtra, Thr. PSO Police Station Khamgaon City, District
Buldhana & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.V. Sirpurkar, Advocate for the Applicant.

Ms. Sneha Dhote, APP for the Non-applicant No.1/State.

Ms. M.A. Sharma, Advocate (Appointed) for the Non-applicant No.2/Victim (VC)

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 8th AUGUST, 2025

1. The present Application is preferred by the Applicant for grant of bail in connection with Crime No.653/2023 registered with Police Station Khamgaon City, District Buldhana for the offences punishable under Sections 363, 366, 506, 376, 376(2)(n) of the Indian Penal Code and Sections 8 & 12 of the Protection of Children from Sexual Offences Act.

2. Heard learned Counsel for the Applicant who submitted that, initially the crime was registered against the present Applicant on the basis of the report lodged by the mother of the Victim Girl on an allegation that on 30.11.2023 her daughter left the house and not returned back. On the basis of the said report Police have registered the crime against the present Applicant. During investigation the

statement of the Victim was recorded and it revealed that she was alongwith the present Applicant and the present Applicant has subjected her for the forceful sexual assault. On the basis of the said statement, the crime was registered.

3. Heard learned Counsel for the Applicant, who submitted that the history narrated by the Victim before the Medical Officer, her initial statement nowhere discloses any force used by the present Applicant. Admittedly, the present Applicant is the husband of the sister of the Victim, however the Victim who was on the verge of attaining the age of majority at her own joined the company of the present Applicant and there was a physical relationship between them. Now, investigation is already completed charge-sheet is already filed, further incarceration of the present Applicant is not required.

4. Learned APP and learned Counsel for the Victim, strongly opposed the said Application and submitted that there are criminal antecedents against the present Applicant. The present Applicant is already a married person, who is the husband of the sister of the Victim, whereas the Victim is a minor girl her consent is not revealed. It is further submitted that the Victim has conceived due to the said relationship. In view of that, the Application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers, it reveals that initially the Victim's statement was recorded, wherein she stated that she herself joined the company of the present Applicant. The history

narrated to the Medical Officer also shows that she herself joined the company of the present Applicant though he is the husband of her sister. In subsequent statement she stated that the force was used by the present Applicant and under the misconception she was subjected to forceful sexual assault. Thus, there are inconsistent statements made by the Victim. Moreover, now investigation is already completed charge-sheet is already filed, no purpose will be served by keeping the present Applicant behind bars. In view of that, the Application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
- ii. The Applicant – Jitendra Mansaram Chavan in connection with Crime No.653/2023 registered with Police Station Khamgaon City, District Buldhana for the offence punishable under Sections 363, 366, 506, 376, 376(2)(n) of the Indian Penal Code and Sections 8 & 12 of the Protection of Children from Sexual Offences Act, be released on bail, on executing P.R. Bond in the sum of Rs.50,000/- (Rs. Fifty Thousand) with one solvent surety in the like amount.
- iii. The Applicant shall not enter into the vicinity of Village Ambetakli, Tahsil Khamgaon, District Buldhana 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 attend the proceedings before the Trial Court without seeking any exemption unless there are exceptional circumstances.
6. Fees of the learned Appointed Counsel be quantified as per rules.
7. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)