



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

CRIMINAL APPLICATION (BA) NO. 417 OF 2025

VINAYAK BHAGWAN DESHMUKH

Vrs.

STATE OF MAHARASHTRA AND ANOTHER

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

Court's or Judge's Order

Shri H. S. Chitaley, Advocate for applicant.
Shri M. J. Khan, A. P. P. for respondent No.1-State.
Shri Viren Joshi, Advocate for respondent No.2.

CORAM: URMILA JOSHI-PHALKE, J.

DATE : 20/06/2025.

1. The applicant came to be arrested on 06/01/2025 in connection with Crime No.6/2025 registered under Sections 68, 118(1) of the BNS and Sections 6,8 and 10 of the Protection of Children from Sexual Offences Act, 2012.

2. A crime is registered on the basis of report lodged by the mother of the victim - boy on an allegation that her son is studying in Shri Dnyaneshwar Vidyalaya, Peth, Tq. Chikhali in 7th Std. As far as allegation on 04/01/2025, she had been to her relatives' house and when she was in the agricultural field of her relatives, she received a phone call of her son who discloses that present applicant has subjected her to forceful sexual harassment and forced for the oral sex. On the basis of said report, police have registered a crime against the present applicant.

3. The learned counsel for the applicant who invited my attention towards applications filed by the mother of the victim before the Sessions Judge where she has disclosed that she has lodged a report on the instigation of other persons. He further invited my attention towards the statement of the victim as well as statement of the other children and submitted that from the said statement, nowhere it was revealed that the present applicant was subjected for the sexual harassment or sexual assault. As far as the injuries are concerned, there was a quarrel between the boys and in that quarrel, he has received injuries. Now, the investigation is already completed and charge sheet is already filed. Further incarceration of the present applicant is not required. In view of that, the applicant be released on bail.

4. Learned APP strongly opposed for the same on the ground that the applicant is in authoritative position and there is every possibility of sexual harassment at the behest of the present applicant. He also invited my attention towards the statement of the victim - boy as well as statements of other children and the CCTV footage. He submitted that CCTV footage shows that the applicant was seen along with the victim - boy. Thus, considering the prima facie material, he prays for rejection of the application.

5. Shri Viren Joshi, learned counsel appearing for the victim - boy has also endorsed the said contention and invited my attention towards the facts i.e. the

statement of other boys and as well as other children as well as CCTV footage and submitted that considering the statements of the children, the prima facie case is attracted against the present applicant. In view of that, the application deserves to be rejected.

6. On hearing both the sides and on perusal of the investigation papers, it reveals that the query was made to the hostel as to whether the victim - boy was staying in hostel and said query is answered by the authority, which shows that present victim was not admitted to the hospital. The statements of the other boys who are staying in the hostel disclose that they have seen the present victim - boy communicating on his mobile phone and thereafter, the applicant has taken out his mobile phone except that the statement reveals that they have seen either taking the victim - boy by the present applicant, either in the bath room or any other isolated place. The statement of the victim also shows that he has obtained the mobile phone of the present applicant to inform the said incident to his mother. Thus, considering the statements as far as sexual harassment is concerned, the allegation appears to be doubtful. However, that aspect can be considered during the trial. At this stage, considering the fact that the investigation is already completed and the charge sheet is already filed. Further custodial interrogation of the present applicant is not required and therefore, his further incarceration is also

not required. Accordingly, I proceed to pass following order :-

ORDER

- i] Application is allowed.
 - ii] **Applicant – Vinayak Bhagwan Deshmukh** shall be released on bail in connection with Crime No.6/2025 registered under Sections 68, 118(1) of the BNS and under Sections 6,8 and 10 of the Protection of Children from Sexual Offences Act, 2012, on executing P. R. Bond of Rs.25,000/- with one solvent surety of the like amount.
 - iii] The applicant shall attend the concerned Police Station once in month on 15th of the every month, till the culmination of the trial.
 - iv] The applicant shall not induce, threat or promise to any witnesses, who are acquainted with the facts of the present case.
 - v] The applicant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.
7. The application is disposed of.
8. The fees of the appointed counsel be quantified, as per the rules.

[URMILA JOSHI-PHALKE, J.]