



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

CRIMINAL APPLICATION (BA) NO. 482 OF 2025

(Padam S/o Jangbahadur Chavhan

Vs.

State of Maharashtra, Thr. PSO. P.S. Paratwada, Tq. Achalpur,
Dist. Amravati & 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. H.A. Biherani, Advocate for the Applicant.

Ms. Trupti Udeshi, APP for the Non-applicant No.1/State.

Mr. S.B. Taiwade, Advocate (Appointed) for the Non-applicant No.2.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 29th JULY, 2025

1. The Applicant came to be arrested on 27.12.2024, in connection with Crime No.948/2024 registered with Police Station Paratwada, District Amravati for the offence punishable under Section 351(3) of the Bhartiya Nyay Sanhita (BNS) Act, 2023 and Sections 4 & 8 of the Protection of Children from Sexual Offences Act, 2012.

2. The crime is registered on the basis of a report lodged by the father of the deceased on an allegation that on 25.12.2024 at about 1.30. p.m., his son aged about 8 years was playing outside his house and after some time he came in a scared condition. On inquiry with him, he disclosed that on unknown person has taken him and also described the description of the said person and also disclosed that he was

subjected for the sexual harassment by the said person. On the basis of the said report, Police have registered the crime against the present Applicant. During investigation the statement of the Victim boy was recorded who has not only narrated about the alleged incident but also described the Applicant in his statement. On the basis of the statement, the Applicant was arrested.

3. Heard learned Counsel for the Applicant, who submitted that as far as the involvement of the present Applicant is concerned, he was arrested on the baseless and false allegations. Now, the investigation is already completed and charge-sheet is already filed, there is no progress in the trial. In view of that, he be released on bail.

4. Learned APP and learned Counsel for the Victim, strongly opposed the said Application. Learned APP submitted that, considering the statement of the Victim boy and immediate disclosure by him and thereafter immediate FIR was lodged and no reason came forward for the false implication of the present Applicant, the Application deserves to be rejected.

5. Learned Counsel for the Victim endorsed the same contention.

6. On hearing both the sides and on perusal of the investigation papers, the involvement of the present Applicant reveals. Though the learned Counsel for the Applicant invited my attention towards the medical report and submitted that no injuries are found on the person of the Victim boy and

there is no allegation as to the penetrative sexual assault but there is an allegation of oral sex by taking the Victim boy alongwith him. Considering the fact that very tender age boy was subjected for sexual harassment by the present Applicant, his involvement reveals from the statement of the Victim boy and *prima facie* case is made out against him. In view of that, the Application deserves to be rejected. Accordingly, I proceed to pass the following order.

ORDER

- i. The Application is **rejected**.
 - ii. 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.)