



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

CRIMINAL APPLICATION (BA) NO. 564 OF 2025

MR. PRENAL KHEMCHAND S/O KARADE

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 R. R. Vyas, Advocate for applicant.
Shri Neeraj Jawde, APP for respondent No.1-State.
Ms. Shreya Bhagat, Advocate for respondent No.2.

CORAM: URMILA JOSHI-PHALKE, J.

DATE : 20/06/2025.

1. The applicant came to be arrested on 17/12/2023 in connection with Crime No.244/2023 registered under Sections 363, 376, 376(2)(j)(n), 342 and 506 r/w Section 34 of the Indian Penal Code and under Sections 4, 6, 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012.

2. A crime is registered on the basis of report lodged by the victim on an allegation that she got acquaintance with the present applicant. The present applicant was insisting her to communicate with her and handed over mobile phone to her. Though she had shown disinterest, he tried to communicate with her through the mobile phone of her computer teacher and thereafter, subjected her for forceful sexual assault on various

occasions. On the basis of said report, police have registered a crime against the present applicant.

3. Heard learned counsel for the applicant who submitted that the statement of the victim and the statement of her computer teacher are contradictory to each other. The statement of her teacher shows that it was the present victim who has obtained mobile phone and called the present applicant. The statement further reveals that there was love affair between the victim and the present applicant and out of that love affair, there was physical relationship between them. Thus, considering the same, now investigation is completed and charge sheet is filed. Further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP and learned counsel for the victim strongly opposed for the same and invited my attention towards the statement of the Psychiatrist, which shows that as the present applicant was harassing her, she is mentally disturbed and treated for the same. The statement of the victim is also shown to me to say that it was one sided love affair from the side of the present applicant and victim was not at all interested. In all these activities, she was subjected to forceful sexual assault by the present applicant. Medical report also substantiates the same and therefore, the application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers, especially the statement of the victim, statement of her computer teacher which appears to be inconsistent statement. The statement of another witness Dipali Ritesh Sangode also discloses about the love affair between the victim and the present applicant. Thus, from various statements which are recorded during the investigation sufficiently shows that out of love affair, there was a physical relationship between the victim and the present applicant. Moreover, investigation is already completed and charge sheet is already filed. Further incarceration of the present applicant is not required. In view of that, application deserves to be allowed. Accordingly, I proceed to pass the following order :-

ORDER

- i] The application is allowed.
- ii] **Applicant – Prenal Khemchand s/o Karade** be released on bail in connection with Crime No.244/2023 registered under Sections 363, 376, 376(2)(j)(n), 342 and 506 r/w Section 34 of the Indian Penal Code and under Sections 4, 6, 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012, on executing PR bond of Rs.25,000/- with one solvent surety in the like amount.
- iii] The applicant shall not enter into the vicinity of village Kurkheda, 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 proceeding before the Special Court without seeking any exemption, unless there are exceptional circumstances.

6. The application is disposed of.

7. The fees of the appointed counsel for respondent No.2 be quantified, as per the rules.

[URMILA JOSHI-PHALKE, J.]

Choulwar