



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

CRIMINAL APPLICATION (BA) NO. 573 OF 2025

Ganesh Subhash Jadhav Vs State of Maharashtra and another.

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. M.N. Ali, counsel for applicant.

Mr. Aditya Gohokar, APP for non-applicant/State

Ms Aparna Mahadeorao Telange, counsel for non-applicant No.2.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 21/07/2025

1. The applicant came to be arrested on 27/02/2025 in connection with Crime No. 34/2025 registered at Police Station Risod, Tq. Risod, District Washim for the offences punishable under Sections 74, 75, 77, 115(2), and 335 of the Bhartiya Nyaya Sanhita, 2023, and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard learned counsel for the applicant, who submitted that a minor girl aged about 17 years has lodged a report against the present applicant, who is her relative. On an allegation that on 26/01/2025, while she was in an agricultural field, the present applicant and other co-accused came into the agricultural field and started shooting the video. On being restrained by her, he dragged her and took her into one room and outraged her modesty and also

assaulted her as well as her aunt, who came to rescue her. On the basis of the said report, police have registered the crime against the present applicant.

He submitted that due to the previous enmity, this false FIR is lodged against the present applicant. He also invited my attention towards the Panchanama of seizure of the mobile and submitted that the seizure panchanama shows that no video or photograph was seen after its seizure in the said mobile. This fact itself is sufficient to show that no such incident has taken place. Now, the investigation is already completed, and further incarceration of the present applicant is not required, in view of that, he be released on bail.

3. Learned APP and learned counsel for the victim strongly opposed the said application on the ground that there are criminal antecedents against the present applicant, and four offence are already registered against the present applicant. Moreover, the recitals of the FIR and the statements of the eyewitnesses, along with the injury certificate, disclose his involvement in the alleged offence, in view of that, the application deserves to be rejected.

4. On hearing both sides and on perusal of the investigation papers, it reveals that there was a previous enmity between the present applicant and the victim. The alleged incident, according to her, took place on 26/01/2025. As far as the allegations regarding photos or videos on the mobile phone are concerned, they are not substantiated by

the material. Now, the investigation is already completed, and charge-sheet is already filed. As far as the criminal antecedents are concerned, they are not sufficient to reject the bail application of the present applicant considering the nature of the offence. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] Criminal application is allowed.
- b] The applicant – ***Ganesh Subhash Jadhav*** shall be released on bail in connection with Crime No. 34/2025 registered at Police Station Risod, Tq. Risod, District Washim for the offences punishable under Sections 74, 75, 77, 115(2), and 335 of the Bhartiya Nyaya Sanhita, 2023, and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not enter into the village Wadap, Tah. Malegaon, District Washim, till culmination of the trial.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- e] The applicant shall attend the proceedings before the trial Court without seeking any

exemption unless there are exceptional circumstances.

The criminal application is **disposed of**.

(URMILA JOSHI-PHALKE, J.)