



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

CRIMINAL APPLICATION (BA) NO.610 OF 2025
(Bandu Suryabhan Kathwate Vs. State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. H.P. Lalwani, Advocate for the applicant.
Mr. A.J. Gohokar, APP for the State.
Ms N.G. Chaubey, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 18, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 07.02.2025 in connection with Crime No.92/2025 registered with Police Station Saoner, District Nagpur for the offences punishable under Section 74 of Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. Learned Counsel for the applicant submitted that the crime is registered on the basis of report lodged by the victim on an allegation that on 06.02.2025 when she was proceeding towards the grocery shop, at that time, present applicant offered her Rs.20/- and caught her and kissed her on cheek and outraged her modesty. On the basis of the said report, police have registered the crime against the present applicant. He submitted that considering the act there was no such intention to outrage the modesty of the victim. Being a small girl that act may have committed by the present applicant. As far as the sexual intent is concerned there is nothing on record to show that with the sexual intent the

present applicant has done the said act. Now, the investigation is completed and charge-sheet is already filed, further incarceration of the applicant is not required.

3. Learned APP and learned Counsel for the victim strongly opposed the said application and submitted that considering a small girl of 12 years was subjected for the sexual harassment. In view of that, the application deserves to be rejected.

4. On hearing both the sides and on perusal of the investigation papers, as far as the sexual intend is concerned which is a matter of evidence. At this stage, considering the fact that now, the investigation is completed, the charge-sheet is filed and the offences are punishable with imprisonment upto 5 years. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant - Bandu Suryabhan Kathwate in connection with Crime No.92/2025 registered with Police Station Saoner, District Nagpur for the offences punishable under Section 74 of Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012, be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount.

(iii) The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.

(iv) The applicant shall not enter into the vicinity of Mohapa Khumari, Tah. Saoner, Dist. Nagpur till culmination of the trial.

(v) 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.

5. The contravention of any of the condition would lead to the cancellation of bail.

6. The application stands disposed of.

7. The fees of the appointed Counsel be quantified as per the Rules.

(URMILA JOSHI-PHALKE, J.)