



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

CRIMINAL APPLICATION (BA) NO.640 OF 2025
(Swapnil S/o. Dilip Gawarguru 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. A.M. Tirukh, Advocate for the applicant.
Mr. V.A. Thakare, APP for the State.
Ms B.C. Dhruv, 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 came to be arrested on 02.01.2025 in connection with Crime No.02/2025 registered with Police Station Khamgaon, Dist. Buldhana for the offences punishable under Sections 137(2), 115(2), 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 10 of Protection of Children from Sexual Offences Act, 2012 as well as Sections 92(b), 92(d) and 95 of the Rights of Persons with Disabilities Act, 2016.

2. The crime is registered on the basis of report lodged by the mother of victim girl on an allegation that on 01.01.2025, her son aged about 14 years was subjected for the forceful sexual assault by the present applicant by subjecting him sexual activity in an unnatural way. On the basis of the said report, police have registered crime against the present applicant. He submitted that the victim boy is 14 years of age and he was having 40% disability. As far as further incarceration of the applicant is concerned which is

not required. Now, the investigation is completed. He further submitted that the statement of the victim boy is not substantiated by any medical evidence. In view of that, the applicant be released on bail.

3. Learned APP and learned Counsel for the victim strongly opposed the said application on the ground that a handicapped boy of 14 years age was subjected for the forceful sexual assault. The diagram which was given in the medical report shows that there was an injury on the anus region. Thus, the statement of the victim boy is substantiated by the medical evidence. They also invited my attention towards the statement of the victim boy recorded under Section 161 as well 164 of the Cr.P.C. which is consistent and submitted that considering the gravity of the offence, the application deserves to be rejected.

4. After hearing both the sides and on perusal of the investigation papers it reveals Hence, the application deserves to be rejected.

5. After hearing both the sides and on perusal of the investigation papers it reveals that a 14 years handicapped boy who is 40% handicapped was subjected for the forceful sexual assault by the present applicant. The allegation is substantiated by the medical report as the injury was seen on the anus region. There is allegation of the oral sex also against the present applicant. Considering the gravity of the offence, the application deserves to be rejected.

6. Hence, the application is rejected accordingly.
7. The fees of the appointed Counsel be quantified as per Rules.

(URMILA JOSHI-PHALKE, J.)

**Divya*