



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

CRIMINAL APPLICATION (ABA) No.103 OF 2025

(Subhash s/o. Shioba Jadhav Vs. State of Maharashtra, through PSO, P.S. Risod, Tq.
Risod, Distt. Washim and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. V.J. Gawali, Advocate for applicant.
Ms. T.H. Udeshi, APP for non-applicant No.1.
Mr. A.P. Thatod, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 10th MARCH, 2025.

1. Apprehending the arrest at the hands of Police in connection with Crime No.34/2025, registered with Police Station Risod, District Washim, for the offence punishable under Sections 74, 75, 77, 115(2), 352, of the Bharatiya Nyaya Sanhita, 2023 and Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicant approached to this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that due to civil dispute pending between the applicant and family members of the victim girl, he is implicated falsely in the alleged offence. The crime is registered on the basis of report lodged by the victim on an allegation on 26.1.2025 at about 11.00 a.m. victim went alongwith her paternal aunt in the field for work. When she was present alongwith her neighbours in the

field at that time and about 4.30 p.m. the applicant and other co-accused came on the spot asked the labourers to leave the field and thereafter molested the victim as well as the assaulted her as well as her paternal aunt. On the basis of report Police have registered the crime. He further submitted that considering the fact that civil disputes which are already pending before the Civil Court and to implicate the present applicant in the alleged offence false allegation is levelled against the present applicant. As far as the custodial interrogation is concerned, which is not required. In view of that, he be protected by granting anticipatory bail.

3. Learned A.P.P. and learned counsel for the victim strongly opposed the application on the ground that there are criminal antecedents against the present applicant. In all more than five offences are registered against the present applicant which are in respect of bodily injury caused by the present applicant to the citizens. It is further submitted that the statement of the victim and the other independent witnesses shows the involvement of the present applicant. The prayer for grant of anticipatory bail and the bail under Section 483 are different. Considering the prime role attributed to the present application, his custodial interrogation is required. In view of that, the application deserves to be rejected.

4. On hearing learned counsels of both sides and on going through the investigation papers it reveals that

not only the victim girl is molested but she was assaulted by the present applicant as well as her aunt is also assaulted. The statements of the independent witnesses substantiate the said contentions. Considering the nature of offence at this stage no case is made out for grant of anticipatory bail. Moreover, learned counsel for the victim also pointed out that victim is taking education and consistently she is threatened by the present applicant. If he is released on anticipatory bail, there is apprehension of threatening of the witnesses at the hands of present applicant. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order :

ORDER

Application is rejected.

(Urmila Joshi-Phalke, J.)