



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

CRIMINAL APPLICATION (ABA) NO.573/2025

(Nishigandh @ Maharaj @ Chintu s/o Japan Urade Vs. State of Maharashtra 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. S.V. Sirpurkar, Advocate for the applicant.
Ms. M.A. Barabde, A.PP for the non-applicant No.1/State.
Ms. Bhavika R. Hindustani, Advocate (appointed) for non-applicant No.2.

CORAM: MRS.VRUSHALI V. JOSHI, J.
DATED: 19.9.2025.

The applicant is apprehending arrest in Crime No.234/2025 for the offence punishable under Sections 75, 332(c) and 351(2) of the Bhartiya Nyaya Sanhita and Section 8 of the Protection of Children fro Sexual Offices Act.

2. It is alleged that the applicant entered the house of the victim when she was alone at home and touched her inappropriately and misbehaved with her.
3. The neighbours informed the mother of the victim on mobile and thereafter the victim-minor has disclosed about the incident to the first informant, the mother.
4. The learned Advocate for the applicant has stated that the mother of the victim and the applicant were having some dispute and, therefore, she has falsely implicated the applicant in this case.
5. It is submitted that as the mandatory notice under Section 41-A of the Code of Criminal Procedure is not received by the applicant, as per the judgment in case of Satender Kumar Antil V/s. Central Bureau

of Investigation and another reported in (2002) 10 SCC 51 the applicant deserves to be released on pre-arrest bail.

6. The learned A.P.P. opposed the application stating that the compliance of the mandatory provision is done as the notice under Section 41-A of Cr.P.C. was issued and as the applicant was absconding his father-in-law has received the notice and instructions were given to him to intimate the applicant. Therefore, this ground is not available to the applicant. From the statement of the victim it appears that he sexually assaulted the victim by touching inappropriately and the statement of the other witness also shows that he had misbehaved like this but at that time the complaint was not lodged against him. Therefore, prayed to reject the application.

7. Heard both sides and perused the record.

8. The applicant has relied on the judgments of the Hon'ble Apex Court and also on the judgment of this Court in Criminal Writ Petition No.3898/2023 (Alex S/o Isaac V/s. The State of Maharashtra and others) wherein the note of compliance of Section 41-A of the Code of Criminal Procedure is taken.

9. On perusal of police papers it appears that the notice was issued and as the applicant was absconding, instructions were given to the applicant to attend the police station. Father in law of the applicant has received the said notice. Considering the allegations against the applicant which are serious in nature, the age of the victim 9 years and the fact that the applicant is of 33 years, who entered the house of the victim when her parents were not at home, and misbehaved with her. The compliance of notice under Section

41-A of Cr.P.C. is done. No case is made out to protect the applicant by granting pre-arrest bail. Hence, the application is rejected.

10. Fees of the learned Advocate appointed to represent the victim shall be paid as per Rules.

(MRS. VRUSHALI V. JOSHI, J.)