



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 2038 OF 2025

**UMESH RAMESH LOKHANDE U/G OF FATHER RAMESH
SARJERAO LOKHANDE**

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Naik Sarvesh Jaipal

APP for the Respondent No.1/State : Mr. N.S. Tekale

Advocate for Respondent No.2 : Mrs. Tejasvini S. Raut (Appointed)

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CORAM : MEHROZ K. PATHAN, J.

DATE : 27th JANUARY, 2026

PER COURT :

1. Heard the learned Counsel for the Applicant, the learned appointed Counsel for Respondent No.2 and the learned APP for the State.
2. The Applicant has approached this Court, seeking anticipatory bail in connection with Crime No.212/2025 registered with Latur (Rural) Police Station, District Latur for the offences punishable under Sections 75(1), 351(2) of Bharatiya Nyaya Sanhita, 2023 and under Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The learned Counsel for the Applicant at the outset, submits that the trial Court had earlier allowed the application vide order dated 07.11.2025. However, when the Applicant attended the police station in pursuance of the said order, he was informed that his anticipatory bail application had been rejected. The learned Counsel further submits that the order of rejection was subsequently uploaded by the very same Court, despite the earlier order of allowing the application was already uploaded. Such rejection amounts to a review of its own order, which is specifically prohibited under Section 362 of the Code of Criminal Procedure.

4. The learned Counsel for the Applicant relies upon the judgment of the Hon'ble Supreme Court in the case of **Rambali Sahni Vs. State of Bihar**, passed in Criminal Appeal No.105/2026 SLP (Cri) No.357/2026 to make a submission that the powers under Section 362 of the Cr.PC., mandates that once the judgment or order is signed, no alternation or review of the same is permissible except to correct a clerical or arithmetical error. The learned Counsel therefore submits that the subsequent order of rejecting bail application uploaded on the website on 07.11.2025 by reviewing its earlier order wherein the bail application was allowed, amounts to review of the order earlier passed and as such the same is prohibited under Section 362. The order rejecting the application is, therefore, illegal and beyond the powers of the learned Sessions Court, being in clear violation of Section 362 of the Code of Criminal Procedure and

therefore the application for grant of anticipatory bail may be allowed and the Applicant may be released on bail.

5. On merits, the learned Counsel for the Applicant submits that the complainant/mother of the victim, specifically demanded a sum of Rs.15 Lakhs to settle the matter, failing which she threatened to lodge a complaint against the present Applicant under the stringent provisions of the POCSO Act. Since the Applicant did not pay the said amount, the complainant has filed the present FIR with the sole intention of wreaking vengeance and extracting money from the Applicant and his family members. The allegations are not substantiated by any evidence. The Applicant is a juvenile and is not having any criminal antecedents and is ready to abide by any conditions that may be imposed by this Court. Hence the Applicant may be released on bail.

6. As against this, the learned APP as well as the learned appointed Counsel for Respondent No.2, vehemently oppose the present application on the ground that the crime alleged against the Applicant is heinous in nature. They submit that the provisions of Sections 8 and 12 of the POCSO Act, as well as Sections 74 and 75 of the Bharatiya Nyaya Sanhita, prescribe punishment up to life imprisonment. The entire episode of the Applicant committing sexual assault upon the victim girl by taking her into a room is captured in a CCTV footage and as such there is ample evidence to bring home the

guilt of the present Applicant in the said crime and his application may be rejected.

7. I have gone through the investigation papers made available by the learned APP as well as the order dated 07.11.2025 purportedly passed by the learned Sessions Court allowing the bail application as well as the subsequent order dated 07.11.2025 rejecting the bail application uploaded subsequently on the website. The perusal of both the orders dated 07.11.2025, annexed along with the affidavit filed by the present Applicant, would show that the tone and tenor of both orders are verbatim, the same except for the operative part, wherein the application was initially allowed is later rejected. There is no change in the body of the order, while the same was subsequently uploaded on the very same date i.e. 07.11.2025. It appears prima facie from a perusal of both the orders annexed to the affidavit that it would fall under the category of a clerical or a typographical error, which could very well be corrected even under the powers under Section 362 of the Cr.PC. and the judgment in Rambali Sahni (cited supra) The said correction would not amount to any substantive review or recalling of the order earlier passed by the very same Court. The said ground raised by the present Applicant is therefore misconceived and is therefore rejected.

8. Insofar as the merits of the present application are concerned, the allegations as revealed from the FIR show that the Applicant, a juvenile, is accused of having ravished the victim girl,

aged about 5 years. It is further stated that the victim's brother was also accompanying her at the date and time of the alleged incident. The investigation papers reveal that the entire incident is captured in CCTV footage dated 01.10.2025, and a CCTV panchanama has been prepared by the authorities in the presence of witnesses who have identified not only the present Applicant but also the victim minor girl as well as her brother being taken by the present Applicant in a room and after sometime, was seen coming out of the room. The allegations made in the FIR are thus corroborated by the CCTV panchanama which is prepared after watching the CCTV footage in the presence of the panchas and the witnesses who have signed the said panchanama.

. Thus, at this stage, there is ample evidence to implicate the present Applicant. Taking into consideration the gravity of the offence and the tender age of the girl child, I am not inclined to exercise discretion under Section 482 of the Bharatiya Nyaya Sanhita for granting anticipatory bail to the present Applicant. The application is, therefore, rejected.

9. The fees of the learned appointed Counsel shall be quantified and paid by the High Court Legal Aid Services Sub-Committee, expeditiously.

MEHROZ K. PATHAN
JUDGE

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