



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

BAIL APPLICATION NO. 441 OF 2026

Manoj Bhimrao Dhangar,
Age 35 years, Occ. Labour,
R/o. Pazarapol Chowk, Joshipeth,
Jalgaon, Dist. Jalgaon.

... **Applicant**

VERSUS

1) The State of Maharashtra
Through Police Station Incharge
Shanipeth Police Station,
Jalgaon, Dist. Jalgaon.

2) XYZ

... **Respondent.**

...
Advocate for Applicant : Mr. Siddhartha B. Yawalkar
Addl.PP. for Respondent/State : Mr. A.R. Kale

CORAM : SHAILESH P BRAHME, J.

DATE : 28.04.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No. 71/2025, registered with Shanipeth Police Station, District Jalgaon, for the offences punishable under Section 74, 75(1)(i) of Bharatiya Nyaya Sanhita, 2023, and under Section 7, 8, 9(m), 10, 12 of the Protection of Children from Sexual Offences Act, 2012.

3. It is reported by mother of the victims that the applicant had peeped in a parked auto rickshaw on 23.03.2025, wherein minor children were sitting. He is alleged to have kissed one of the minor girl and slapped on the chick of the victim. Thereafter he went away. The minor came out from the

auto-rickshaw and made complaint to Shaikh Mahmood about the overt act of the applicant, who is stated to be wearing green colour T shirt. In pursuance of the complaint, he was arrested on 24.03.2025.

4. Learned counsel for the applicant submits that even if the allegations are taken as it is, no serious offence is committed so as to attract punishment for more than three years or five years. My attention is adverted to Section 75(1) of B.N.S. Act., as well as Section 10 of the POCSO Act. It is submitted that the act alleged does not fall within purview of Section 7 of the POCSO Act. It is further submitted that there is no direct and reliable evidence against the applicant. The footage of CCTV camera is vulnerable. The charge has been framed by the Presiding Officer on 17.06.2025. There is sufficient incarceration for the applicant.

5. Learned A.P.P. submits that incriminating material is collected during the course of the investigation. The statements of the victims under Section 183 and transcript of CCTV footage corroborate the prosecution case. Besides that, statements of Sajid and Shaikh Arshad were also recorded. The trial is underway and there is no necessity to enlarge the applicant on bail. The trial will be concluded very soon.

6. The first information report discloses that the applicant had pipped in the parked auto rickshaw, wherein three minor children were sitting. He is alleged to have kissed one of the minor girl and alleged to have slapped on the chick of another girl. The CCTV footage corroborates the fact that the applicant was present and he was wearing green colour T shirt. He is seen to have been peeping in the auto rickshaw. The statements of the victims under Section 183 and statement of Shaikh Arshad and the CCTV footage would disclose involvement of the applicant and his presence at the relevant time. It is necessary to examine the nature of the allegations levelled against the applicant.

7. I cannot countenance the submission of learned counsel Mr. Yawalkar

that the act alleged does not fall within purview of Section 7 of the POCSO Act. *Prima facie*, the act involves physical contact without penetration. It would be matter of trial to examine whether there existed sexual intent or not.

8. The punishment for sexual assault provided under Section 8 of POCSO Act is minimum of three years and which may extend to five years. Considering the age of the victims, the prosecution is likely to succeed in proving that the overt act was aggravated sexual assault. In that case punishment prescribed in Section 10 would be applicable. It is maximum of five years. Section 75(2) of B.N.S. prescribe the punishment extendable to three years. I find substance in the submissions of learned counsel for the applicant that even if the overt act is proved by the prosecution, maximum punishment would be five years.

8. Considering the gravity of the allegations and overall circumstances, I find that incarceration from 24.03.2025 is sufficient. His further custody is not warranted. I, therefore, pass following order:

9. The Bail Application is allowed.

10. The applicant **Manoj Bhimrao Dhangar** shall be released on bail in connection with Crime No. 71/2025, registered with Shanipeth Police Station, District Jalgaon, for the offences punishable under Section 74, 75(1)(i) of Bharatiya Nyaya Sanhita, 2023, and under Section 7, 8, 9(m), 10, 12 of the Protection of Children from Sexual Offences Act, 2012, on following conditions:

(a) The applicant shall furnish PR. bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one solvent surety of like amount.

(b) The applicant shall not tamper with prosecution evidence or contact with the victims, their relatives and prosecution witnesses.

(c) The applicant shall furnish his mobile/cell number and address to the investigating officer.

(d) The applicant shall cooperate for the expeditious disposal of the trial.

(e) The applicant shall surrender his Aadhar Card and PAN card, if any, to the investigating officer.

11. Bail application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-