



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

CRIMINAL APPEAL NO.454/2025

(Karan Shekhar Somkuwar Vs. State of Maharashtra, through P.S.O. Imamwada, Tah. - Distt. Nagpur 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.S. Shinde, Advocate for the Appellant.
Ms. S.S. Dhote, A.P.P. for the Respondent No.1/State.
Ms. Seema Dhotre, Advocate for the Respondent No.2.

CORAM: NEERAJ P. DHOTE, J.

DATED: 4.3.2026.

This is an Appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SCST Act") against the rejection of Regular Bail Application by the learned trial Court vide order dated 29.03.2025 in Special Case No.648/2024 below Exh.9.

2. Heard the learned Advocate for the Appellant, the learned A.P.P. for the State and the learned Advocate for the Respondent No.2/Victim.

3. The prosecution's case is that, the Victim who was 16 years of age was found missing from her house on 26.07.2024. The Victim's parents came to know that, the Victim was with the Appellant. The Police were able to locate them. The Victim's statement was recorded. The Victim's stated that, the Appellant and the co-accused raped her in the room where she was taken. The Crime No.287/2024 came to be registered against the Appellant and the co-accused for the offence punishable under Sections 137(2), 70, 64(2)(i) of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS"), for the offence punishable

under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 (for short “POCSO Act”) and for the offence punishable under Sections 3(1)(r), 3(1)(w)(i)(ii) and 3(2)(v) of the SCST Act. After the investigation was complete, the Charge-sheet came to be filed.

4. During the pendency of this Appeal, the prosecution examined the Victim and her mother who lodged the Report. The copies of their deposition are circulated by the learned Advocate for the Appellant across the Bar. *Prima facie* it shows that, the Victim and her mother not supported the prosecution. Though according to the learned A.P.P. and the learned Advocate for the Respondent No.2 there are other witnesses to be examined, they did not dispute that, the prosecution’s case largely hinges on the testimony of the Victim. The Appellant is behind bars from 26.09.2024. In view of the above, following order is passed.

ORDER

- i) The Appeal is allowed.
- ii) The impugned order dated 29.03.2025 is quashed and set aside.
- iii) The Appellant be released on bail on executing P.R. bond for Rs.25,000/- with one solvent surety in the like amount.
- iv) The Appellant shall not tamper with the prosecution’s evidence in any manner.
- v) The Appellant shall co-operate with the learned trial Court.
- vi) The fees of the learned Advocate for the Respondent No.2/Victim is quantified at Rs.7,500/-. The same shall be paid by the High Court Legal Services Authority.

- vii) Hamdast granted.
- viii) The Appeal is disposed of in the above terms.

(NEERAJ P. DHOTE, J.)