



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

CRIMINAL APPEAL NO. 530/2025

Chintu s/o Maheshprasad Soni,

Vs.

State of Maharashtra and another

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

Court's or Judge's order

.....
Mr. A.C.Jaltare,, Mr. Y.P.Bage, Mr.S.D.Umredkar, Mr.S.Taywade,
Mr.R.S.Bhalerao, Mr.M.M.Sharma, Advocates for Appellant.
Mr. B.M.Lonare, A.P.P. for Respondent/State.
Mr. Sanket Joshi, Advocate (appointed) for respondent no.2.

CORAM : NEERAJ P DHOTE, J.

DATED : 09.01.2026

1. This appeal is filed under Section 14A of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act for grant of regular bail.
2. Heard the learned Advocate for the appellant, learned APP for the State and learned counsel for the respondent no.2. With the assistance of learned Advocates perused the record.
3. Crime bearing No.922/2024 is registered with Ramnagar Police Station, Chandrapur against the appellant for the offences punishable under Sections 137(2), 351(2) of Bharatiya Nyaya Sanhita and offence punishable under Sections 4 and 6 of POCSO Act. Subsequently, offences under Sections 64 (2) and 115(2) of the Bharatiya Nyaya Sanhita and Sections 3(1)(w)(i)(ii) and 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act came to be included in the crime.

4. It is the case of the prosecution that the appellant kidnapped a child and committed sexual intercourse with her. The appellant threatened her with dire consequences if she discloses the incident of intercourse to her parents.

5. Initially, missing report was lodged by the victim's mother. Initially the charge-sheet was filed for offence of kidnapping. Initially, two statements of the victim recorded under Section 161 of the Code of Criminal Procedure, are completely silent on the aspect of sexual intercourse by the appellant with her. Similarly, victim's statement under Section 164 of Cr.PC. is also silent on the aspect of sexual intercourse by the appellant with her. Subsequently after a period of five months, the victim gave statement that the appellant sexually exploited her by giving false promise of marriage and therefore, Sections of Scheduled Casts and Scheduled Tribes Act were included. Undisputedly, at the time of incident, the victim was 17 years and 9 months.

6. The learned learned Sessions Judge rejected the bail on the ground of threatening to the victim and one criminal case pending against the appellant. Considering the above referred facts of the case the possibility of afterthought accusation against the appellant cannot be ruled out. By imposing appropriate conditions, the apprehension of the tampering the prosecution witnesses can very well be taken care of. Considering all these aspects of the matter, it would not be appropriate to reject the application only on the ground of pendency of a case against the appellant and hence, I proceed to passing the following order:-

ORDER

- (i) The appeal is allowed.
- (ii) The order passed by the learned Sessions Judge, Chandrapur dated 7.7.2025 in Criminal Bail Application no.368/2025 is quashed and set aside.
- (iii) The appellant be released on bail in Crime No.922/2024 registered at Police Station Ramnagar, District Chandrapur for the offences punishable under Section 137(2), 64, 351(2), 115(2) of the Bharatiya Nyaya Sanhita read with Section 4 and 6 of the POCSO Act and under Section 3(1) (w) (i)(ii) and 3(2) (V) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, on furnishing P.R.Bond of Rs.15,000/-(Rupees fifteen thousand only), with one surety in the like amount in
- (iv) The appellant shall attend Ramnagar Police Station, Chandrapur once in a month on the last Friday of every month between 2.00 p.m. to 4.00 p.m. until further orders.
- (v) The appellant shall cooperate in the early disposal of the case.
- (vi) The fees of the Advocate appointed through the High Court Legal Services Sub-Committee, Nagpur, shall be quantified in accordance with the applicable Rules.
- (vii) The appeal stands disposed of.

(NEERAJ P. DHOTE, J.)