



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

Criminal Application (BA) No.02/2026

Dinesh Jain V State of Maharashtra thr PSO PS Khamgaon City, District Buldhana 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 applicant.
Ms Bawankule, APP for State.
Ms. Shubhada Phaltankar, Advocate for non-applicant no.2.

CORAM : M. M. Nerlikar, J.

DATE : 10-02-2026.

Heard learned Counsel for the applicant, learned APP for the state and learned Counsel appearing for respondent no.2.

2. By this application under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (for short, B.N.S.S. Act'), the applicant is seeking bail in connection with Crime No.427/2025 registered with the non-applicant police Station for offences punishable under Sections 74, 75 of the B.N.S.S. Act r/w Section 8 of the Protection of Children from Sexual Offences Act (for short, 'POCSO' Act').

3. The prosecution story in nutshell is that, complainant Rupali who happens to be regular customer of the applicant and was a credit holder for purchasing grocery from the shop of the applicant. The applicant is residing at Sutala Khurd which is a small locality of lower middle class people, and applicant is constrained to sell grocery on credit basis till the arrival of monthly wages of his customer. As such the complainant and her husband used to purchase day-today groceries from the shop of the applicant. The applicant has maintained credit account of the complainant's family in the name of her husband and a regular diary

has been maintained by the applicant containing all the details of entries of purchase on credit basis by the complainant's family. Till the date of registration of the instant crime i.e. on 21-10-2025, the amount outstanding in the name of complainant's husband was Rs.9,618/-. It was seen that the complainant and her husband were reluctant to pay the said amount as it was deemed to be excessive by the complainant. Therefore, the applicant was repeatedly demanding the outstanding amount in the name of complainant's husband. In order to avoid payment of the said outstanding amount and ultimately dodge the outstanding amount, the complainant lodged report on 21-10-2025 against the present applicant.

4. Learned Counsel for the applicant submits that the offence alleged against the applicant is punishable up to 05 years. Now, the investigation is over and the chargesheet is filed. He submits that though there are certain allegations but those allegations were made with a malafide intention as the parents of the victim was to pay Rs. 9000/- as he is running a grocery shop and he has given the grocery on credit to them and when demanded, they have lodged the FIR. He submits that considering the nature of the allegation and the age of the applicant, it is impossible to do such an act. He further relies on the order of this Court in the case of Vijay Shalikram Rehapade vs State of Maharashtra and another (Criminal Application (BA) No.730/2025).

5. On the other hand, learned APP and the learned Counsel appearing for respondent no.2/victim vehemently oppose the application and invited my attention to the statement of the victim who was aged

about 06 years. They further submit that considering the age of the victim as well as the applicant, it was not expected from the applicant to do such a heinous act. They further submit that the FIR was lodged by the mother of the victim immediately. Though the investigation is over and chargesheet is filed, that by itself is not sufficient to grant the bail to the applicant, considering the heinousness of the crime and therefore prayed to reject the application.

6. I have considered the rival submissions. This Court while considering the somewhat identical facts in the case of Vijay Shalikram Rehapade (supra), has released accused on bail considering the fact that offence is punishable up to 07 years, however, in the present case, it is punishable up to 05 years. So far as the victim is concerned, here in this case the victim is of 06 year old and allegations are in respect of touching the private part of the victim by the applicant. Therefore, considering the fact that the applicant was arrested on 21-10-2025 and the investigation is over and the chargesheet is filed and the fact that the offence is punishable up to 05 years, I am inclined to grant bail on the stringent conditions.

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused be released on regular bail in Crime No.427/2025 registered with Police Station, Khamgaon City, Dist. Buldhana, for the offences punishable under Sections 74, 75 of the B.N.S.S. Act r/w Section 8 of the POCSO' Act' on his executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five thousand only) with one solvent surety in like amount.

- (iii) The applicant shall not enter into the village Sutala Khurd, Taluka Khamgaon, District Buldhana.
 - (iv) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
 - (v) The accused shall provide his residential address and cell number to concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.
 - (vi) The applicant/accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
 - (vii) Fees of the appointed counsel be paid as per Rules.
7. The observations of this order is restricted to the present application only.

(M.M. Nerlikar, J.)