



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

CRIMINAL APPLICATION (BA) NO.933/2025

(Nikhil S/o Hirakashyap Somkuwar Vs. The State of Maharashtra & ors.)

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

Court's or Judge's orders

Mr. G. D. Dani, Advocate for applicant.
Ms. P. C. Bawankule, APP for non-applicant No.1.
Ms. P. Pisurde, Advocate (appointed) for non-applicant Nos. 2 & 3.

CORAM: M. M. NERLIKAR, J.

DATED : 20/01/2026.

Heard learned counsel appearing for applicant,
learned APP for non-applicant No.1 and learned counsel
appearing for non-applicant Nos. 2 and 3.

2. The present applicant by this application is seeking
bail in connection with Crime No.243/2025 registered with
Sadar Police Station, Nagpur for the offences punishable
under Sections 75(1)(i), 75(1)(iii), 79 of the Bharatiya
Nyaya Sanhita ("BNS") and Section 12 of the Protection of
Children from Sexual Offences Act.

3. The case of the informant is that the informant
and her husband operate a Daily Needs Store. That, they
are frequently required to go to purchase goods for their
shop. Whenever the informant and her husband go out for
said purpose, the shop is handled by their daughters aged

12 and 10 years, i.e. victims in the present case. It is alleged that on 26.03.2025, 30.03.2025 and 04.04.2025, when the informant and her husband had gone out for the said purpose and when the said victims were sitting in the said shop, the accused person had come to the shop on his two wheeler and exposed his private parts to the victims and made improper remarks to them. It is alleged that the father of the victims had caught the accused person on 04/04/2025 and the people of the vicinity had gathered. Thereafter police officers were called and eventually the applicant was arrested at 6:23 pm on 04.04.2025.

4. The learned counsel appearing for the applicant submits that though the allegations are serious in nature, however, the punishment provided for the said offences is up to three years. He has already undergone more than nine months imprisonment. Though the trial has commenced, however, considering the maximum punishment with which the applicant is charged, the applicant deserves to be enlarged on bail.

5. On the other hand, the learned APP and the learned counsel appearing for non-applicant Nos. 2 and 3 vehemently oppose the application on the ground that already one witness is examined. They further submit that the applicant has committed serious offence against the minors who are aged about 12 and 10 years. Considering the seriousness of the offence, the applicant does not deserve to be enlarged on bail.

6. Upon hearing the learned counsel for the applicant, learned APP and the learned counsel appearing for non-applicant Nos. 2 and 3, it appears that admittedly the applicant is in Jail since 04.04 2025, the maximum punishment provided for the offence for which the present applicant is charged is three years.

7. Considering the fact that the applicant has undergone more than nine months of imprisonment, investigation is complete, charge sheet is filed and further the trial has commenced so also one witness is examined, The applicant can be released on bail by putting stringent conditions, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Nikhil S/o Hirakashyap Somkuwar be released on bail in connection with Crime No.243/2025 registered with Sadar Police Station, Nagpur for the offences punishable under Sections 75(1)(i), 75(1)(iii), 79 of the BNS and Section 12 of the Protection of Children from Sexual Offences Act on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.
- (iii) 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.
- (iv) 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.
- (v) 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 entails the State to ask for cancellation of bail.
- (vi) The applicant shall not enter in the jurisdiction of Gaddi-Godam Police Station, Nagpur.

(vii) Fees of the appointed counsel for non-applicant Nos. 2 and 3 be quantified and paid as per Rules.

(M. M. NERLIKAR, J.)

Gohane