

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

CRIMINAL APPLICATION (BA) NO.1267/2025

(Mr. Laxman S/o Chatarsing Avayya @ (Laxman S/o Chatarsing Barela) Vs. State of Maharashtra & anr.)

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

Court's or Judge's orders

Mr. T. Deshmopande, Advocate for applicant.
Ms. S. Haider, APP for non-applicant/State.
Mr. Y. P. Bage, Advocate (appointed) for non-applicant No.2.

CORAM: M. M. NERLIKAR, J.

DATED : 29/01/2026.

Heard.

2. By the present application, the applicant is seeking bail in connection with crime No.396/2022 registered with Police Station, Jalgaon Jamod, Dist. Buldhana for the offence punishable under Sections 363, 366, 376, 376(3), 34 of the Indian Penal Code and Sections 4, 6 of the Protection of Children from Sexual Offences Act.

3. From the first information report, it appears that the present applicant has kidnapped the victim on 28.06.2022 around 11:00 p.m. in the night when she went to answer nature's call. He along with his friend took the victim to the house of his elder brother wherein he has allegedly committed sexual assault on the victim. The

victim was of 13 years and 8 months at the time of incident and the applicant was 22 years of age at the relevant time. The learned counsel appearing for the applicant submits that the applicant is in Jail since 01.07.2022. He submits that it is a case of love affair and the victim on her own accord came along with him and accordingly he has taken her to his brother's house. He submits that there was no sexual assault which can be gathered from the statement of the brother even the medical evidence does not support the allegations which are leveled against him. He further submits that as the age of the victim was 13 years and 8 months at the time of incident, he was not released on bail. However, now he has undergone substantial sentence and therefore he may be released on bail.

4. On the other hand, the learned APP and the learned counsel appearing for the victim vehemently submits that victim was only of 13 years and 8 months at the relevant time. She has given the statement which has directly implicated the present applicant which goes to show that she was kidnapped when she was went to answer nature's call in the night by the present applicant and one another person. He further submits that even the

statement under Section 164 of the Code of Criminal Procedure was recorded wherein she has categorically stated that the present applicant has kidnapped and sexually assaulted her, therefore looking at the age of the victim, the present applicant does not deserve bail.

5. I have considered the rival submissions. Admittedly, the applicant is in Jail since 01.07.2022. It further appears that from the statement of the victim that when she went to answer nature's call in the midnight, the applicant and his friend was standing outside her house and accordingly though she says that she was forcefully taken, however it appears that by her own accord, she left the house as she has made hue and cry. It further appears that both went to the house of the elder brother of the applicant, even there also she does not disclose to the brother that she was brought forcefully. Further, it appears from the statement of the brother that the victim and the applicant slept at different places. Considering the fact that the applicant is in Jail since 01.07.2022, there is no supporting medical evidence, the investigation is over and charge sheet is filed, I am inclined to grant bail. The observations of this Court are prima facie in nature and the

Trial Court shall not be influenced by the same, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Laxman S/o Chatarsing Avayya @ (Laxman S/o Chatarsing Barela) be released on bail in connection with crime No.396/2022 registered with Police Station, Jalgaon Jamod, Dist. Buldhana for the offence punishable under Sections 363, 366, 376, 376(3), 34 of the Indian Penal Code, Sections 4, 6 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) Fees of the appointed counsel be quantified and paid as per Rules.

(M. M. NERLIKAR, J.)

Gohane