

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

CRIMINAL APPLICATION NO.1276 OF 2025

Bhimrao Sukhadev Gawai

..VS..

State of Maharashtra and anr.

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

Court's or Judge's orders

Shri R.D. Karode, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.

CORAM: M.M. NERLIKAR, J.
DATE : 02.02.2026.

Heard.

2. By way of this application, the applicant is seeking regular bail in connection with Crime No.582 of 2024 registered with the Patur Police Station, District Akola for the offence punishable under Sections 64(1), 64(2)(i), 65(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023, Sections 4 and 6 of the Protection of Children From Sexual Offences Act, 2012.

3. The FIR has been lodged by the mother of the victim girl aged 7 years of age, alleging sexual assault on her minor daughter by the present applicant under the pretext of requesting her to bring his goat to his house where the alleged sexual assault has been made.

4. Learned Counsel for the applicant submits that the victim's mother is alleging that the applicant under the pretext of bringing his goat called the victim to his house and committed sexual assault. However, he submits that there is no supporting evidence to that effect. Even the medical report does not show that there

was sexual assault however due to previous enmity, the applicant has been falsely implicated in the said crime. Therefore, the applicant can be enlarged on bail as the investigation is complete and charge-sheet has been filed.

5. On the other hand, learned Additional Public Prosecutor vehemently opposes the present application on the principal ground that the victim is just 7 years of age and applicant is 55 years of age. Statement of the victim was recorded wherein she has narrated about the said incident. The said statement is corroborated with the medical evidence also, which goes to show that though there are no visible injuries, however there is redness present at the private part of the victim. Therefore, she submits that considering the heinous nature of offence against the minor girl, the present applicant does not deserve the bail.

6. I have considered the rival submissions as well as I have gone through the FIR and the statements recorded by the investigation agency. It appears that the victim is of 7 years of age, studying in 2nd standard. It was specifically stated in her statement that, the present applicant has asked her to bring his goat to his house, accordingly, she brought the goat and handed it over to the present applicant. However the applicant has taken her inside the house and committed sexual assault and gave Rs.2/- which she threw at the spot itself. I have also perused the medical report where though no injuries were mentioned. However redness on the private part of the victim has been specifically mentioned. There is no reason to falsely implicate the present applicant.

Considering the fact that the victim has in unequivocal terms narrated the story and stated about the sexual assault committed by the applicant and the victim is of 7 years of age, I am not inclined to grant bail to the present applicant. Hence the following order :

- (a) The application stands rejected.

(M.M. NERLIKAR, J.)

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