



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

CRIMINAL APPLICATION [B.A.] NO. 1290 OF 2025

Rohit Dhanraj Waghmare

-- VERSUS --

State of Maharashtra 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.K. Wankhade, Advocate for the Applicant.

Ms. P.C. Bawankule, A.P.P. for the Non-applicant No.1/State.

Mr. D.D. Chourgade, Advocate for the Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 09, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.257/2025 for the offences punishable under Sections 74, 78, 351(2)(3) and 115(2), of the Bharatiya Nyaya Sanhita, 2023, (BNS) and under Section 8 of the Protection of Children from Sexual Offences Act, 2012, registered with Police Station, Civil Lines, Akola.

3. The victim has lodged the First Information Report alleging that one person namely Swaraj Wahurwagh used to harass and threaten her. On 22/07/2025 around 02:30 p.m. when she went to a temple located in a park in her neighborhood, Swaraj Wahurwagh came and asked her to accompany her and when she refused he slapped her.

Thereafter, she went home and narrated the incident to her parents based on which the present First Information Report came to be lodged.

4. The learned counsel appearing for the applicant submits that the only role attributed to the present applicant is that he has taken the photographs of his friend alongwith the victim. He submits that they both were having a love affair and he is the friend of main accused, namely, Raj Wahurwagh. He has invited my attention to the statement recorded under Section 183 of the BNSS of the victim, wherein, it is stated that the present applicant has taken photographs by threatening her with a knife. She was threatened to smile in the photographs. He further submits that except this, there is no other allegation in the entire F.I.R. or the statement of the victim recorded under Section 183 of the BNSS.

5. The learned A.P.P. vehemently opposes the allegations on the ground that the applicant is the friend of the main accused - Raj. At the behest of the main accused - Raj, the victim was constrained to come to the garden and the present applicant helped the main accused for snapping photographs with the victim. She further submits that, at this stage, the role of the present applicant cannot be ignored. The same

submissions are also adopted by the learned counsel appearing for the non-applicant No.2.

6. Upon hearing the learned counsel for the applicant, the learned A.P.P. and the learned counsel appearing for the non-applicant No.2, it appears that the applicant has played a limited role which appears on record, which is that he has taken photographs in the garden of the main accused - Raj and victim. It further appears that he has threatened the victim with knife in order to compel her to smile for photographs. The applicant is in jail since 23/07/2025. The investigation is complete and the charge-sheet is filed. Further, the fact remains that the present applicant's name does not appear in the F.I.R. Considering the limited role played by the applicant and the fact that the investigation is complete and charge-sheet is filed, I am inclined to grant bail.

7. The observations of this Court are *prima facie* in nature. The Trial Court shall not be influenced by the observations of this Court and the observations are restricted to this bail application only. In this view of the matter, following order is passed:-

ORDER

(i) The Criminal Application is **allowed**;

(ii) The applicant/accused (Rohit Dhanraj Waghmare) be released on regular bail in connection with Crime No.257/2025 registered with Civil Lines Police Station, District Akola, for the offences punishable under Sections 74, 78, 115(2), 351(2)(3) of the Bharatiya Nyaya Sanhita, 2023, (BNS) and under Section 8 of the Protection of Children from Sexual Offences Act, 2012, on his furnishing a 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 Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency;

(v) The 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.

[M.M. NERLIKAR, J]