

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

CRIMINAL APPLICATION (BA) NO. 1323/2025

(Ram S/o Gajanan Maske 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. Patil, Advocate for applicant.
Mr. A. Madiwale, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 16/01/2026.

Heard.

2. By this application, the applicant is seeking regular bail in connection with Crime No.1062/2024 registered with Police Station Darwa, Dist. Yavatmal for the offence punishable under Sections 64(2)(f), 64(2)(i), 65(2) of the Bharatiya Nyaya Sanhita, 2023 along with Section 4 of the Protection of Children from Sexual Offences Act, 2012.

3. Though the non-applicant No.2/victim is served, none appears on behalf of victim.

4. This Court has perused the First Information Report ("FIR"). The FIR was registered by the grandmother of the victim alleging that on 13.12.2024 at about 03.00 p.m., she saw that the victim was taken by the present applicant on the pretext of giving her chocolate

and thereafter, the victim did not return for a long time. It is alleged that the informant went to the house of the applicant, wherein she noticed that the present applicant and victim were in half naked condition. The applicant was trying to insert his private part into the private part of the victim. Noticing this fact, she immediately intervened and took the victim back to the house. As the applicant was near relative, she did not inform about the said incident immediately. However, later on, there was burning sensation in the vaginal part of the victim, the victim was taken to the hospital and thereafter FIR was registered.

5. The learned counsel for applicant has tried to point out that the FIR is false, which could be gathered from various statements which show that though the date of incident is 13.12.2024, however the victim was taken to the hospital on 16.12.2024, thereafter, the FIR was registered. He submits that no such incident has taken place, the family members of victim are trying to settle the score as the applicant is their relative and they have a bad history.

6. The learned APP submits that the victim is of four years of age. The crime committed by the application is heinous. There is nothing on record to disbelieve the story of the prosecution, therefore he prays to reject the present application. He further submits that Statement under Section 183 of the Bharatiya Nagarik Suraksha Sanhita was also recorded of the victim and the grand-mother, wherein they have specifically stated about the incident of sexual assault.

7. Upon hearing both the parties, considering the fact that the victim is of four years of age and the grandmother has witnessed the said incident, I find that there is no reasons for the victim and her grandmother to falsely implicate the application, therefore, I am not inclined to grant bail.

8. In view of above facts and circumstances, the present bail application is rejected.

(M. M. NERLIKAR, J.)