

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

CRIMINAL APPLICATION (BA) NO. 1346/2025

(Papan @ Bapan Subodh Mandal 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. N.S. Pandia, Advocate for applicant.
 Mrs. Mayuri H. Deshmukh, APP for non-applicant/State.
 Mr. K. Bhise, Advocate (appointed) for non-applicant No.2.

CORAM: M. M. NERLIKAR, J.

DATED : 06/02/2026.

Heard.

2. By the present application, the applicant is seeking bail in connection with Crime No. 245/2025 registered with Police Station Railway, Loha Marg, Nagpur for the offence punishable under Section 74 of the Bharatiya Nyaya Sanhita, 2023 read with Section 8, 12 of the Protection of Children from the Sexual Offences Act, 2012.

3. The First Information Report ("FIR") is lodged by the mother of victim alleging that, on 07.06.2025, she was traveling by train along with her family including her daughter-victim aged 7 years. At about 03.50 a.m. on 08.06.2025, her daughter suddenly woke up screaming, due to which all the nearby passengers also woke up. The victim was crying and on being asked she stated that, the

present applicant who was sleeping nearby birth, woke her up, asked her to come with him to the toilet and not to inform her parents. The informant and other passengers therefore searched for the applicant. The applicant was found in suspicious position, hiding himself in the compartment and then tried to ran away from toilet of the said compartment. All passengers, therefore caught hold the applicant, the victim identified him, as the person who woke her up from sleep. The incident was then immediately informed to the Railway Police Force, the applicant came to be arrested.

4. The learned counsel appearing for the applicant submits that the allegations in the First Information Report shows that on 08.06.2025 about 03.50 a.m. the victim was traveling in train, suddenly she screamed, and all the family members including other passengers woke up. When her mother asked her the reason, she disclosed that the present applicant has stated that “मेरे साथ बाथरूम मे चल दो मिनीट का काम है तेरे मम्मी पप्पा को नही बताना?”. Thereafter, the passengers gathered, and when present applicant tried to escape from the bathroom, he was caught hold and handed over to the Police. Based on these allegations, the

applicant was arrested on 08.06.2025. Further, he submits that the learned Court below has rejected the bail of the present applicant only on the ground that the applicant is resident of West Bengal and the victim is of seven years. He further submits that apart from this allegations, there is no other sexual allegation against the present applicant. He further submit that he is ready to give two sureties i.e. one local as well as one from the place of permanent residence i.e. West Bengal.

5. On the other hand, the learned APP and the learned counsel appearing on behalf of non-applicant No.2-victim opposed the application on the ground that the victim is of seven years. The applicant had tried to take her away from the train birth to bathroom. They also invited my attention to the statement of the victim, as well as the father of the victim recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, where they have disclosed that the present applicant has woke up the girl and asked her to come along with him in the bathroom and tried to take her away.

6. After hearing the learned counsel for the respective parties, though there are allegations against the present applicant, however the fact that the imprisonment under Section 8 of the Protection of Children from the Sexual Offences Act, 2012 is prescribed not less than three years and extendable upto five years. The applicant is in Jail since last eight months. Considering the fact that the investigation is over, and charge-sheet is filed, I am inclined to grant bail to the applicant by imposing stringent conditions, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Papan @ Bapan Subodh Mandal be released on regular bail in connection with Crime No. 245/2025 registered with Police Station Railway, Lohmarg, Nagpur for the offence punishable under Section 74 of the Bharatiya Nyaya Sanhita, 2023 read with Section 8, 12 of the Protection of Children from the Sexual Offences Act, 2012 on his furnishing P.R. Bond of Rs. 25,000/- with two sureties each in the like amount one from Nagpur, Maharashtra and second from permanent residence of the applicant.

(iii) The applicant shall not try to contact with the informant.

(iv) 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.

(v) 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.

(vi) The applicant/accused shall attend each and every date of trial regularly. If he fails to attend the trial for one date or fails to comply with the aforesaid conditions, his default would entails the State to ask for cancellation of bail.

(vii) Miscellaneous application, if any, also stands disposed of.

(viii) The fees of the appointed counsel be quantified and paid as per the Rules.

(M. M. NERLIKAR, J.)