



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

CRIMINAL APPLICATION [ABA] NO. 790 OF 2025

*SACHIN S/o YADAVRAO KAMBLE **VERSUS**
STATE OF MAH., THRU. P.S.O., P.S., NANDGAON, AMRAVATI AND ANOTHER*

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mr. Mahesh V. Rai, Advocate for the applicant.
Mr. N. S. Autkar, A.P.P. for the non-applicant no.1/State
Mr. Mohd. Amin Ayyub, Advocate appointed for non-applicant no.2

CORAM : M. W. CHANDWANI, J.
DATE : JANUARY 12, 2026.

1. Heard.
2. The applicant is apprehending his arrest in connection with Crime No. 97/2025 registered with Police Station, Nandgaon Peth, Amravati for the offences punishable under Sections 74, 75, 78, 333 of the Bhartiya Nyaya Sanhita, 2023 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short "the POCSO Act").
3. The learned counsel for the applicant submitted that there was no forceful act on the part of the applicant. According to him, the prosecutrix was a consenting party. It is only when the father of the prosecutrix came to know about the love affair between the prosecutrix and applicant, the report came to be registered at the insistence of the father. The learned counsel submitted that though the alleged act of molestation was committed at 12.00 noon, the offence came to be registered in the evening. Therefore, according to him, the applicant is

falsely implicated in the crime as an afterthought. The applicant is ready to abide by the conditions imposed by this Court.

4. Learned APP opposed the application on the ground that the FIR itself reveals the alleged act of molestation at the hands of the applicant when the prosecutrix was alone at home and was brushing her teeth in her bathroom. According to him, the prosecutrix is below 18 years of age and therefore, her consent is immaterial.

5. Having heard the learned counsels appearing for the parties and having gone through the case diary, it reveals that Sections 8 and 12 of the POCSO Act are invoked which means that the victim is a minor; rather, it is the case of the prosecution that the prosecutrix is 16 years of age. The allegation against the applicant is that he molested the prosecutrix, more particularly pressed her breasts. Since, the prosecutrix is a minor, the stand taken by the applicant that she was a consenting party is of no help to him.

6. Therefore, no case is made out for granting the extraordinary relief of anticipatory bail to the applicant. The application is accordingly rejected.

7. The fees of the learned counsel appointed to represent non-applicant no.2/complainant be quantified and paid to him as per the Rules.

(M.W.Chandwani, J.)