



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

CRIMINAL APPLICATION (ABA) NO. 922 OF 2025

(Rajesh @ Raju Sharad Chavhan and anr Vs. The State, thr PSO, PS Mangrulpir, Dist.
 Washim and anr)

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

Court's or Judge's orders.

Mr. S.V. Sirpurkar, Advocate for applicants.
 Mr. N.S. Autkar, APP for non-applicant/State.
 Mr. A.S. Shukla, Advocate for respondent No.2.

CORAM : M.W. CHANDWANI, J.
DATE : 13.01.2026.

Heard.

2. The applicants are apprehending arrest in connection with crime No. 510/2025, registered with Police Station, Mangrulpir, District Washim, for the offences punishable under Sections 74, 118(1), 109, 352, 351(1) and 351(3), 3(5) of the Bhartiya Nyaya Sanhita, 2023 ("BNS", for short) and Sections 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 ("POCSO" for short).

3. Issue notice to the non-applicant, returnable on 27.1.2026.

4. It is contended that applicant No. 1 is the husband, whereas applicant No. 2 is the brother-in-law of the complainant on whose instance the aforesaid offences came to be registered alleging that the applicants tried to oust the complainant from her house. While doing so, when

protested by the complainant and her relatives including the daughter of applicant No.1, the applicants poured petrol in the person of complainant and tried to set her ablaze. However, due to intervention by her sister, they could not succeed. It is also alleged that the applicants tried to outrage the modesty of the sister of the complainant as well as the daughter of applicant No. 1.

5. On perusal of the case diary, it is revealed that the relationship between applicant No.1 and the complainant is not cordial and is strained to the extent that various proceedings are filed by them against each other. It is also the contention of the learned counsel for the applicants that the complainant is residing in the house of applicant No.1 and she is not vacating the premises. It is also contended that a false complaint has been lodged against the applicants alleging wild allegations in order to implicate them under various sections of the BNS and the POCSO Act. It appears that three persons have reported the matter to the police. Firstly, the applicant, thereafter the mother of the complainant and then by the complainant herself.

6. Bare perusal of the complaint lodged by the mother at 1.00 p.m. reveals that the applicants assaulted her and her grand-daughter and tried to oust them from the house. Perusal of the FIR lodged by complainant shows that she appears to have reported the same incidence which also alleges pouring of petrol on the person of the complainant

and outraging the modesty of her sister which does not appear in the report lodged by the mother of the complainant at 1.00 p.m.

7. It is to be noted that the incidence of pouring petrol and attempt to outrage the modesty of the sister of the complainant was not alleged by mother of the complainant. The case diary further reveals that the statement of the daughter of applicant No.1 came to be recorded later who also came up with the allegation that applicant No. 2 outraged her modesty which was not reported either by the complainant or her mother and therefore, the prosecuting agency applied provisions of the POCSO Act.

8. The contention of learned counsel for the complainant that there are two incidents prima facie does not appear to be correct since the alleged offences reported by the complainant reveal that the incident took place between 10.12 to 12.40, whereas the complaint was lodged by her mother at 1.00 pm. It is pertinent to mention here that the complaint lodged by the complainant depicts that the mother of the complainant was also present between 12.10 to 12.40 p.m.

9. Whether the alleged incidence whereby the offences under Sections 109 and 74 came to be registered are an exaggeration or not can be looked into at the time of trial. Considering the fact that the relationship between the

complainant and applicant No. 1 are so strained that they are not ready to see each other, the possibility of lodging FIR with exaggerated facts as a result of personal grudges cannot be ruled out at this stage. Therefore, a case is made out for grant of anticipatory bail to the applicants, particularly when it is alleged that the plastic can containing some petroleum like substance and the matchstick have already been seized. In so far as the anxiety of the prosecution regarding the investigation is concerned, that can be taken care of by imposing stringent conditions. Hence, the following order:

ORDER

- i) In the event of arrest, the applicants be released on furnishing a P.R. Bond of Rs. 50000/- each and one solvent surety each in the like amount.
- ii) The applicants shall attend the concerned Police Station on every Monday and Thursday, between 10.00 a.m. and 12.00 noon, for four weeks.
- iii) The applicants shall not enter Milindnagar area where the complainant along with her family members is residing, until further orders.
- iv) The applicants shall not threaten the prosecution witnesses or tamper with the prosecution evidence. If such attempt is made by the applicants, the Investigating Officer is at liberty to move for cancellation of bail.

JUDGE

Belkhede