



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

CRIMINAL APPLICATION (ABA) NO.923 OF 2025

Aarif Chand Khan 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.

Shri U.J. Deshpande, Advocate for applicant.
Shri S.B. Bissa, AGP / APP for respondent/State.
Ms A.S. Mishrikotkar, Advocate (appointed) for non-applicant
no.2.

CORAM : M.W. CHANDWANI, J.

DATE : 10.03.2026.

1. The applicant is apprehending his arrest in connection with Crime No.487/2025 registered with Police Station, Nandura, District Buldhana for the offences punishable under Section 78(2), 74, 75(2) of the Bharitya Nyaya Sanhita, 2023 and Section 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Heard the learned counsel for the applicant, learned Additional Public Prosecutor for non-applicant no.1/State and learned counsel for non-applicant no.2/victim.

3. Having gone through the case diary, it appears that the applicant got acquainted with the victim and they started chatting on their mobile. The applicant was in twenties at the time of incident. Once the applicant hugged and kissed the victim and while kissing, the applicant recorded the incident in his mobile. After two years, the

brother of the victim came to know that the said video has been circulated by the applicant. Therefore, the aforesaid offence came to be registered against the applicant.

4. It appears that there is no allegation of penetrative sexual assault. The offences of stalking and sexual assault have been alleged, which prescribe a punishment for upto three years. It is also informed by the learned A.P.P. that the charge-sheet has been filed.

5. Considering the nature of allegations against the applicant and the punishment prescribed, coupled with the fact that the investigation is already completed, custodial interrogation of the applicant may not be required.

6. So far as the anxiety of the learned APP that the mobile phone of the applicant is not yet recovered is concerned, stringent condition can be imposed on the applicant in that regard. Hence, the following order:

(i) The application is allowed and disposed of.

(ii) In the event of arrest in connection with Crime No.487/2025 registered with Police Station, Nandura, District Buldhana for the offence punishable under Section 78(2), 74, 75(2) of the Bharitya Nyaya Sanhita, 2023 and Section 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, the applicant - **Aarif Chand**

Khan be released on bail on furnishing a PR bond of Rs.25,000/- with one solvent surety in the like amount.

(ii) The applicant shall attend the concerned Police Station on every Friday and Tuesday for the next three weeks between 10.00 am to 12.00 noon and cooperate with the investigating authority.

(iii) The applicant shall not tamper with the prosecution evidence and shall not threaten the prosecution witnesses.

(iv) So far as recovery of the mobile phone is concerned, presence of the applicant shall be treated as custody within the meaning of Section 23 of the Bharatiya Sakshya Adhiniyam, 2023.

6. Professional fees of the learned counsel appointed for non-applicant no.2/victim be quantified and paid as per Rules.

(M.W. Chandwani, J.)

Wagh