



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

CRIMINAL APPLICATION [BA] NO. 330 OF 2026.

Prakash @ Dinesh Hiranman Sahare

-VERSUS-

The State of Maharashtra and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri C.R. Thakur, Advocate for the Applicant.

Shri A.A. Madiwale, A.P.P. for Non-applicant No.1/State.

Ms L. Tiple, Advocate (appointed) for Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 06, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.265/2025 registered with M.I.D.C. Police Station, Nagpur City for the offence punishable under Section 75 of the Bharatiya Nyaya Sanhita (BNS), Sections 8 and 12 of the Protection of Children from Sexual Offences Act and Section 67B of the Information Technology Act.

3. The First Information Report came to be lodged by

2

the victim alleging that the applicant is residing in a rented premises just opposite to her house and was acquainted to her. In September/October 2024 the applicant went to the college of the victim and took her to a hotel, where he asked the victim to remove her shirt, thereafter he touched her breast and took her obscene photographs. On 12.03.2025, the applicant forwarded the said photographs on the mobile phone of father of the victim and circulated it online. At the time of the incident, the age of victim was 17 years and 8 months. Hence, this report.

4. Perusal of the first information report and the material annexed along with the charge sheet reveals that this is the second bail application filed by the applicant. His earlier bail application bearing Criminal Application (BA) No.840/2025 was withdrawn on 12.09.2025, as this Court was not inclined to grant him bail.

5. The learned Counsel for the applicant submits that after withdrawal of the application, more than 6 months has elapsed, but, there is no progress in the trial, he therefore, has preferred the second bail application before the trial Court,

3

however, the said application was rejected by the trial Court considering prima facie allegations against the applicant. It is submitted that more than one year has passed since the arrest of the applicant i.e. from 13.03.2025. The maximum punishment provided for the alleged offence is of 5 years. Even till date charges are not framed, and therefore, prayer is made to grant bail to the applicant.

6. On the other hand the learned A.P.P. appearing for the State and the learned Counsel appearing for the victim submit that there is no liberty granted by this Court while permitting the applicant to withdraw his earlier application, and therefore, according to them there is no change in the circumstance. They further submit that considering the seriousness of the allegations of touching breast by the applicant and transmitting the obscene photographs of the victim to her father, and making them viral, in such circumstances the applicant does not deserve to be released on bail.

7. I have considered the rival submissions. Admittedly from the record it appears that earlier Criminal

Application No.840/2025 was filed by the applicant, which came to be withdrawn on 12.09.2025. It further appears that thereafter 6 months has elapsed and till date even charges are not framed. Though there is prima facie material against the applicant, however, the fact remains that maximum punishment provided for the alleged offence is of 5 years. Therefore, considering the above facts and circumstances of the case, I am inclined to grant bail to the applicant. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Prakash @ Dinesh Hiranman Sahare be released on regular bail in connection with Crime No.265/2025 registered with M.I.D.C. Police Station, Nagpur City for the offence punishable under Section 75 of the Bharatiya Nyaya Sanhita (BNS), Sections 8 and 12 of the Protection of Children from Sexual Offences Act and Section 67B of the Information Technology Act on his furnishing P.R. Bond of Rs.50,000/- with two sureties in the like amount.
- (iii) The accused shall not enter within the

5

territorial jurisdiction where the informant is residing, i.e. New Neldoh, Hingna Road, Nagpur till the completion of the trial.

- (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 Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.
- (vi) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for one single date, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.
- (ix) Fees of the appointed Counsel be determined and paid as per Rules.

JUDGE