

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

CRIMINAL APPLICATION NO.67 OF 2026

Dipak s/o Prathamesh Eknath Maske

..VS..

State of Maharashtra and anr.

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

Court's or Judge's orders

Shri D.U. Thakare, Advocate for applicant.

Mrs. S.Z. Haider, APP for the non-applicant/State.

Shri Dhanesh Vyas, Advocate for non-applicant no.2.
 (appointed).

CORAM: M.M. NERLIKAR, J.

DATE : 27.02.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.739 of 2025 registered with Babhulgaon Police Station, District Yavatmal for the offence punishable under Sections 75, 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The victim has lodged the report against the applicant alleging sexual harassment on 18.12.2025 while she was going towards Auto stand. On the date of incident, the victim asked for lift from the applicant and they proceeded towards Babhulgaon on the motorcycle of the applicant. The applicant stopped the motorcycle near the closed Ginning factory and called the victim inside the factory and sexually harassed her by holding her from behind. The victim rescued herself by raising hue and cry and therefore the report is lodged by the victim against the applicant.

4. Learned Counsel appearing for the applicant

submits that the applicant is in jail since 19.12.2025 and the offence is punishable up to 3 years. The victim is a major and the story put-forth by the victim is concocted and does not inspire confidence, even if the allegation is taken as it is. Therefore, the applicant prayed to be enlarged on bail.

5. *Per contra*, learned APP and learned appointed Counsel appearing for non-applicant no.2 opposed the application on the ground that the applicant had taken undue advantage of the victim's trust as the victim used to call the applicant 'brother'. As she was going to Babhulgaon, she has stopped the applicant and asked for a lift, so that she could travel along with him. That time, by taking undue advantage, the applicant sexually harassed the victim by holding her hand and holding her from backside. Hence, it is submitted that this is not a fit case to grant bail and accordingly, the application deserves to be rejected.

6. I have considered the rival submission and gone through the record. It appears that the applicant was arrested on 19.12.2025, investigation is almost complete and charge-sheet is likely to be filed and also the maximum punishment provided is up to 3 years. Considering all these factors, I am inclined to enlarge the applicant on bail, on certain terms and conditions. Hence the following order :

- (a) The application is allowed.
- (b) The applicant Dipak @ Prathamesh s/o Eknath Maske in connection with Crime No.739 of 2025 registered with Babhulgaon Police Station, District

Yavatmal be released on bail on furnishing P.R. bond of Rs.50,000/- with one or two sureties in the like amount.

- (c) The applicant 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.
- (d) The applicant shall not enter in the territorial jurisdiction of village Kopra Jankar, Tq. Babhulgaon, District Yavatmal.
- (e) 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.
- (f) Once the trial starts, the accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.

7. All Misc. application(s), pending if any, shall stands disposed of accordingly.

8. Fees of the appointed Counsel be quantified as per rules.

(M.M. NERLIKAR, J.)

