

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

CRIMINAL APPLICATION NO. 254 OF 2026

Premdas s/o Deorao Rathod

..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

Ms Shreya H. Bhagat, Advocate for the applicant.

Mrs M.H. Deshmukh, APP for the State.

Ms Sakshi Pathak, Advocate for non-applicant no.2 (appointed.)

CORAM: M.M. NERLIKAR, J.

DATE : 18.03.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.25 of 2026 registered with Kalamb Police Station, District Yavatmal for the offence punishable under Section 118(1) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The FIR came to be lodged by the mother of the victim girl alleging that on 26.01.2026 at about 1.30 a.m. while the informant's two daughters were sleeping, the present applicant inserted his hand through a hole in the bedroom wall and attempted to pull the blanket off the girls. That the elder daughter woke up and made hue and cry and caught the applicant's hand through the wall and alerted her parents. When the father of the victim girl caught the hand of applicant, he attacked on the father of the victim girl, by wooden stick on his shoulder and therefore, the report.

4. Learned Counsel for the applicant submits that

the applicant is falsely implicated in the crime as there was dispute between both the families of the applicant and the informant. Also, there was delay in lodging the FIR. The applicant is residing adjacent to the house of the complainant. It is submitted that if the applicant was having any intention to outrage the modesty of the victim, it could have been done at an earlier point of time also and therefore, it is submitted that the applicant is falsely implicated in the crime. The applicant is behind bars since 29.01.2026. The maximum punishment provided under Section 118(1) is three years and under POCSO Act, maximum punishment provided is 5 years. Therefore, considering the fact that the investigation is almost complete, the applicant be enlarged on bail.

5. On the other hand, learned APP and learned appointed Counsel vehemently oppose the application on the ground that the incident took place at about 1.30 a.m., therefore there was delay in lodging the FIR. The allegations are serious in nature. The applicant tried to outrage the modesty of the victim girl and also inflicted the blow on the victim's father, when the applicant was caught red handed. And therefore, the application is prayed to be rejected.

6. I have considered the rival submissions and perused the record. I have also gone through the spot panchanama. It appears that the applicant and the family of the victim are residing adjacent to each other since many years. It also appears that there was dispute in between the family of the applicant and the victim. It is further noted that there is no independent witness to the

said incident when there was quarrel between both the families in the midnight. Considering the nature of allegations and the fact that the applicant is in jail since 29.01.2026, 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 Premdas s/o Deorao Rathod in connection with Crime No.25 of 2026 registered with Kalamb 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 into the vicinity of Devnala, Tq. Kalamb, 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) 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. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .

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

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

(M.M. NERLIKAR, J.)

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