



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

CRIMINAL APPLICATION (ABA) NO. 49 OF 2026

Mahesh S/o. Kedarmal Sharma

Vs.

State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N. R. Tekade, Advocate for applicant.
Shri N. S. Autkar, APP for non-applicant/State.
Shri Anuj Sethi, Advocate for assist to prosecution.

CORAM :- M. W. CHANDWANI, J.

DATED :- 12.03.2026

The applicant seeks anticipatory bail in connection with Crime No. 3/2026 registered with Police Station City Kotwali, Akola for the offences punishable under Sections 74, 75(2), 118(2), 351(2), 351(3), 296 of the Bhartiya Nyaya Sanhita, 2023.

2. Heard the learned counsel for the applicant as well as the learned APP for the State and the learned Advocate to assist the prosecution. I have also gone through the case-diary.

3. It appears that there is a dispute between the applicant and complainant on account of license of a fair-price shop, which was in the name of the husband of the complainant which infact is run by the applicant. On 05.01.2026, at about 03:00 pm when the complainant

tried to enter the said shop, the applicant abused and assaulted her by means of an iron mesh. It is also alleged that at that time, the applicant pushed the complainant with an intent to sexually assault her whereby she sustained injury.

4. No doubt, the incident of assault is alleged whereby, the complainant sustained some injuries but sofaras the allegation of sexual assault on the complainant is concerned, it *prima facie* appears to be levelled in order to take revenge/in a fit of anger. The possibility that the incident is an exaggeration cannot be ruled out at this stage.

5. Sofaras the submission of the learned counsel assisting the prosecution that there is sufficient material against the applicant regarding occurrence of the incident is concerned, no doubt the alleged assault and abuse might have occurred but, the possibility of exaggerating the allegation of outraging modesty of the complainant with sexual intent cannot be ruled out at this stage.

6. It is also informed that a civil dispute is also pending between the parties. The offence alleged is punishable with upto five years. Nothing is required to be seized from the applicant.

7. The applicant was protected by an *ad-interim* order of this Court with a direction to attend the concerned Police Station. The learned APP submits that

the applicant appeared before the concerned Investigating Officer and co-operated in the investigation.

8. Considering these aspects, a case is made out for confirming the *ad-interim* protection granted to the applicant vide order dated 23.01.2026. Hence, the following order:-

- i) The application is allowed.
- ii) The *ad-interim* protection granted to the applicant vide order dated 23.01.2026 is hereby confirmed on the same terms and conditions.
- iii) The applicant to appear before the concerned Police Station as and when directed by the Investigating Officer.
- iv) The applicant shall not enter Koulkhed area of Akola till filing of the charge-sheet.

(M. W. CHANDWANI, J.)