IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2046 OF 2026
IN CRIMINAL APPEAL NO. 425 OF 2026

Rahul Suresh @ Sureshchand Raka,
Age : 50 years, Occupation : Advocate,
R/o : Bhagwati Complex, Georai,
Taluka Georai, District Beed. … Applicant
[Orig. Accused]

Versus

The State of Maharashtra,
Through Police Inspector,
Georai Police Station,
Taluka and District Beed. … Respondent

WITH
CRIMINAL APPLICATION NO. 3488 OF 2026
IN CRIMINAL APPEAL NO. 425 OF 2026

X Y Z (Name withheld) … Applicant
(victim)

Versus

1. The State of Maharashtra
Through the Police Inspector,
Police Station Georai,
District Beed.

2. Rahul Suresh @ Sureshchand Raka,
Age : 40 years, Occupation : Agriculture,
R/o : Bhagwati Complex, Georai,
Taluka Georai, District Beed. … Respondents

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Mr. Joydeep Chatterji a/w Ms. Monica Dahat, Advocates for the Applicant in Criminal Application No. 2046 of 2026.

Mr. Shashikant E. Shekade, Advocate for the Applicant in Criminal Application No. 3488 of 2026.

Mr. V. S. Badakh, APP for the Respondent-State in both Applications.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 28.09.2026
Pronounced on : 29.09.2026

ORDER :

1. Criminal Application No. 3488 of 2026 is preferred by the original informant, thereby seeking leave to intervene in the appeal preferred by the appellant/convict for offence under Sections 376(2)(f)(k)(n), 452 and 323 of Indian Penal Code [IPC], as well as to oppose the application for suspension of sentence and grant of bail.

2. For the reasons mentioned in Criminal Application No. 3488 of 2026, the applicant is allowed to intervene. **Criminal Application No.3488 of 2026 is accordingly disposed off.**

3. Criminal Application No.2046 of 2026 is for suspension of sentence and grant of bail in the backdrop of conviction recorded by learned Sessions Judge, Beed dated 30.03.2026 in Sessions Case No.103 of 2017 holding the applicant guilty for offence under Sections 376(2)(f)(k)(n), 452 and 323 of IPC.

4. Praying for relief, learned Counsel for the applicant would submit that there is false implication. He pointed out that accused and victim are first cousins of each other. He pointed out that though

complainant stated that there was forceful sexual relations earlier or prior to the incident in question, at no point of time there was any complaint. It is pointed out that though there are allegations of blackmailing in the backdrop of video of victim while bathing to be made viral or about forceful sexual relations in the lodge, no such video clipping was seized by the Investigating Officer and there is admission to that extent in his cross-examination.

5. It is submitted that there are allegations about accused sending that two of her siblings for eating ice-cream and ravishing victim, after they left. Only one of the cousins is examined. Learned Counsel for the applicant pointed out that, surprisingly, the victim has admitted that while she was travelling with the accused in his car, the said vehicle passed by her own house, but she did not raise any hue and cry, which itself suggests that she was a consenting party. According to him, even manager of the lodge had admitted that victim has come voluntarily and as such, there was no use of force. According to learned Counsel for the applicant, testimony of victim is full of improvements, which is not part of the report lodged by her. It is pointed out that medical expert, who examined victim, has not come across any signs of recent vaginal or anal intercourse and thus, story of prosecution was falsified, but learned trial Court has accepted

the same and, therefore, the appeal has been preferred. In the light of above grounds, appellant has good case in appeal and as it would take long time to be heard and decided, relief of suspension of sentence and grant of bail is urged for.

6. Learned APP as well as learned Counsel for the victim both opposed the application on the ground that serious offence is proved to be committed. They pointed out that the accused, who was married and was also a cousin of the victim, had repeatedly ravished her by blackmailing her with threats to make her obscene videos viral. They further pointed out that the incident dated 22.04.2017 was promptly reported and that the victim was assaulted when she offered resistance. The medical expert has noted injuries on the person of the victim. The victim has narrated the incident. Therefore, being serious offence and moreover, the applicant, being close relative of the victim, apprehension is expressed about possibility of misuse of liberty.

7. Heard. Perused the papers. Complainant, who is 20 years of age, has reported that she resides with her parents, other siblings on the ground floor, whereas accused, her first cousin, who resides on the upper floor in the said building. According to her, the accused had an evil eye on her and tried to make advances towards her. She

reported that about a year prior to the incident, while she was in college, the accused came there, called her, made her sit in his vehicle and took her to a lodge, where he had forcible sexual relations with her and videographed the incident. Thereafter, by threatening to make the said video viral, he repeatedly had forcible sexual relations with her. According to her on 22.04.2017, when her parents were out of the house and she was in the company of her cousins, who had come for vacation, while her brother had gone to the shop, the accused came there and offered money to her cousins to eat ice cream. After they left, he forcibly took her to the room where TV was kept and demanded physical relations with her. Upon her refusal, he allegedly assaulted her, closed the door and had forcible sexual relations with her. Her elder brother arrived. At that time, accused fled and hence, she filed report.

8. There is also evidence of the victim's brother, PW8, at Exhibit-114/C, who deposed that upon receiving a phone call from his two cousins, he reached home and found the door locked from inside. As no one answered, he gained entry from the back door. At that time, he spotted the accused leaving the house and also found his sister weeping, whereupon she disclosed the incident to him.

9. The medical expert, PW11, has noted and described as many as seven injuries on the person of the victim and has opined that the injuries were indicative of a forcible act, including signs of struggle, and that there was evidence of non-penetrative sexual assault. Therefore, even though the victim was medically examined on the same day, i.e. 22.04.2017, the medical expert did not find any evidence of recent forcible sexual intercourse, thereby rendering occurrence of 22.04.2017 of forcible sexual assault doubtful.

10. As pointed out, indeed, *prima facie* there are variances in the story narrated at the time of report by the victim and the one deposed by her in the Court. Her report shows that she informed police that during the occurrence of 22.04.2017, when he closed the room, she, on her own accord, seems to have removed her undergarments. It also appears that she has not made her escape good or tried run while he was undressing himself or while he was applying condom. The neighbouring lady, whose phone was used to apprise the brother of the victim, who claims to have arrived only thereupon, has not been examined. Therefore, there are grounds to be dealt in appeal.

11. Here, what is central to the prosecution story is that there was blackmailing to the victim by showing her own obscene/nude videos of victim allegedly possessed by the accused in his mobile, however,

as pointed out the Investigating Officer in paragraph No.16 of his cross-examination admitted that during investigation, videos of victim from bathroom as well as lodge are not found. Therefore, there is no evidence on the core point of prosecution case. Further, as pointed out, victim in her cross-examination, has admitted that she passed over her own house while being taken to the lodge, where she has spent hours in the company of accused, but has not reported it to anyone.

12. Resultantly, there are good grounds to be dealt, but in appeal and as much more time would be required to hear the same, the relief as prayed deserves to be granted. Hence, the following order :-

ORDER

I. Criminal Application No.2046 of 2026 is hereby allowed.

II. The substantive sentence imposed on the applicant – Rahul Suresh @ Sureshchand Raka by the learned Sessions Judge, Beed in Sessions Case No.103 of 2017 on 30.03.2026, stands suspended till the final hearing and disposal of Criminal Appeal No.425 of 2026.

III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with two solvent sureties in the like amount.

IV. The applicant shall not commit any criminal activity.

V. The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for his subsequent appearances.

VI. In case of two consecutive defaults on the part of the applicant to remain present before the trial court, the trial court to inform this court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of bail granted to the applicant.

VII. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]

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