



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

CRIMINAL APPLICATION (BA) NO. 412 OF 2025

Mahadeo s/o Keshao Thapade Vs State of Maharashtra and another

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

Court's or Judge's Order

Mr. V. Paliwal, counsel for applicant.

Mrs. S.S.Dhote, APP for non-applicant/State.

Ms Aastha Sharma, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 10/06/2025.

1. The applicant came to be arrested on 05/09/2024 in connection with Crime No. 271/2024 registered with Police Station Lonar, District Buldhana for the offence punishable under Sections 376, 376(2)(J), 376(2)(N), 452, 506 of the Indian Penal Code, 1860 and Sections 4, 5(j)(2) and 6 of the Protection of Children from Sexual Offences Act.

2. The crime is registered on the basis of a report lodged by father of the victim girl, on an allegation that his daughter, aged about 16 years, was subjected for forceful sexual assault by the present applicant/accused. Thereafter, she was constrained to carry the pregnancy and delivered a female child. On the basis of said report, police have registered the crime.

3. During the investigation, the statement of the victim was recorded. The samples of newly born baby were also

collected, and after completion of the investigation, the charge-sheet was filed.

4. Heard learned counsel for the applicant, who submitted that the applicant is falsely implicated in the alleged incident. He is not at all involved and has no nexus with the present applicant. Now, the investigation is already completed and charge-sheet is already filed, his further incarceration is not required. In view of that, he be released on bail.

5. The learned APP and learned counsel for the victim strongly opposed the said application on the ground that the victim was less than 18 years of age at the time of the incident. In the absence of her father and as the victim does not have a mother, the present applicant has taken disadvantage of the same and subjected her for forceful sexual assault, which constrained her to carry the pregnancy, and thereafter, she delivered a child. The DNA report is yet to be received. It is not the case of love affair. They further submitted that the applicant is 35 years old man and has been subjected her for the forceful sexual assault. Considering the nature of the evidence collected during the investigation, a prima-facie case is made out, in view of that, the application deserves to be rejected.

6. On hearing both sides and on perusal of the investigation papers, it reveals that the applicant is a 35 years old man who allegedly subjected the victim, who was below 18 years of age, to a forceful sexual assault, which

resulted into her pregnancy, and she has delivered a baby child. The DNA report is yet to be received.

7. Considering the statement of the victim, who has stated that in absence of her father, the present applicant entered her house and, by threatening her, subjected her for the forceful sexual assault. Due to the threatening, she has not disclosed any incident. Thus, considering the statement of the victim, a prima facie case is made out against the applicant, in view of that, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **rejected**.
- b] The fees of the appointed counsel be quantified as per Rule.

[URMILA JOSHI-PHALKE, J.]