



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

CRIMINAL APPLICATION (BA) NO. 629 OF 2025

Devrao Dulla Pada and another
Vs.

State of Maharashtra, through Police Station Officer, Police Help Center
Godalwahi, Sub Police Station, Pendhari District Gadchiroli and another

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

Court's or Judge's orders

Mr. Madhur A. Deo, Counsel for the applicants.
Mr. N. B. Jawade, APP for non-applicant No.1/State.
Mr. S. B. Taywade, appointed Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/07/2025

1. The applicants came to be arrested on 12.03.2025 in connection with Crime No.5/2025 registered with Police Help Center, Godalwahi, Sub Police Station, Pendhari, District Gadchiroli for the offence punishable under Sections 70(1), 351(3), 332(c) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard learned Counsel for the applicants, who submitted that the crime is registered on the basis of report lodged by the victim aged about 36 Years on an allegation on 07.03.2025 present applicants entered in her house and subjected her for the forceful sexual assault and thereafter, fled away from the spot of the incident. On the basis of the said report, police have registered the crime against the present applicants. He invited my attention

towards the various circumstances and submitted that there were consensual relationship between the victim and the applicant No.1. However, the villagers pressurized the victim that such type of activities will not be tolerated in the village and, therefore, she constrained to file the report. He invited my attention towards the medical report, wherein also the applicant No.1 has narrated the same history. He has also stated at the time of remand before the Magistrate the similar fact. Thus, he submitted that there is consistent stand of the present applicant as to the relationship between him and the victim. He also invited my attention towards the statement of one of the relatives of the victim and submitted that as per his statement, he has seen the present applicant running away from the house, but he has not made any attempt either to catch him or to inform the Police Patil of the village. Thus, it appears that afterthought, the report came to be lodged. Now the investigation is already completed, charge-sheet is already filed, further incarceration of the present applicants is not required.

3. Learned APP and learned Counsel for the non-applicant No.2 - victim strongly opposed for the same and submitted that the recitals of the FIR itself sufficiently shows that it was the present applicant No.1, who entered in the house and the applicant No.2 was standing outside and applicant No.1 was subjected the victim for forceful sexual assault.

Thereafter, she immediately left to her parents house, and therefore, there was a delay in lodging the FIR. They submitted that considering the consistent statements of the witnesses and the statement of one of the relatives shows the presence of the present applicants at the house of the victim sufficiently shows their involvement. In view of that, the application deserves to be rejected.

4. On hearing both sides and on perusal of the investigation papers, it reveals that the alleged incident has taken place on 07.03.2025. One of the relatives immediately went at the house of the non-applicant No.2 - victim, but the victim was not found at the house. The FIR is lodged after three days. No explanation is put forth as to the said delayed FIR. Now the investigation is already completed, charge-sheet is filed. Whether there was a consensual relationship or not, is a matter of evidence. At this stage considering the fact that investigation is already completed, charge-sheet is already filed and considering the consistent stand of the present applicants, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **No.1 Devrao Dulla Pada and No.2. Lalsu Ramsu Pada** shall be released on bail, in connection with Crime

No.5/2025 registered with Police Help Center, Godalwahi, Sub Police Station, Pendhari, District Gadchiroli for the offence punishable under Sections 70(1), 351(3), 332(c) of the Bharatiya Nyaya Sanhita, 2023, on executing PR bond in the sum of Rs,25,000/- each with one solvent surety in the like amount.

(iii) The applicants shall not enter into the vicinity of village Kondawahi, Taluka Dhanora, District Gadchiroli, till the culmination of trial.

(iv) The applicants shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

(v) The applicants shall not induce, threat or promise any witnesses, who are acquainted with the facts of the case.

(vi) The applicants shall furnish their detailed address along with their address proof and their cell phone numbers before the Sessions Court.

5. The fees of the appointed be quantified as per rules.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)