



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

CRIMINAL BAIL APPLICATION (BA) NO. 480 OF 2025

(Kisana S/o Shriram Nandurkar

Vs.

State of Maharashtra, Thr. Police Station Officer, Police Station
 Bhiwapur, Dist. Nagpur.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. J.S. Kurwe, Advocate h/f Mr. S.N. Nandeshwar, Advocate for the Applicant.
 Mr. C.A. Lokhande, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 16th JUNE, 2025

1. Heard.
2. The Applicant came to be arrested on 28.02.2024, in connection with Crime No. 86/2024 registered with Police Station Bhiwapur, Tah. Kuhi, District Nagpur for the offence punishable under Sections 376, 341, 324 of the Indian Penal Code, 1860.
3. The crime is registered on the basis of a report lodged by the victim alleging that she is residing alongwith her husband and in-laws. As her husband is bedridden, she is cultivating the land and looking after the agricultural operations. On 27.02.2024, at about 11.00 a.m., she alongwith her father-in-law had been to the agricultural field, and at about 05.00 p.m., when she was returning, the present Applicant restrained her and demanded sexual favors from her. On her denial, he gave a blow of stick on her head as

well as on her left thigh. Due to which, she fell on the ground, and thereafter, the present Applicant subjected her for forceful sexual assault. After hearing the noise, her father-in-law came there and he saw the Applicant is sitting on her person. She disclosed the incident to her father-in-law immediately. On the basis of the said report, police have registered the crime against the present Applicant. During the investigation, the victim was referred for medical examination and injuries were found on her person.

4. Heard learned Counsel for the Applicant, who submitted that due to the previous enmity, the Applicant is implicated falsely. At the same time she submitted that, there was a consensual relationship between both of them. She submitted that, in fact no alleged incident has taken place. The medical report also shows no injury on the genitals of the Victim. Thus, considering the nature of the incidence and now investigation is completed, charge sheet is filed and the Applicant is behind bars since the date of his arrest, the application deserves to be allowed.

5. Learned APP for the Non-applicant/State, strongly opposed the application on the ground that the injuries are found on the person of the Victim as well as the father-in-law has witnessed the present Applicant sitting on the person of the Victim. At the relevant time, there were no inner garments on her person and her Sari was also pulled. Thus, considering these circumstances and considering the circumstance that after witnessing the father-in-law of the Victim, the Applicant fled away from the spot of incident,

sufficiently shows his involvement in the said crime. Hence, bail application deserves to be rejected.

6. Heard learned counsel for the Applicant and learned APP for the Non-applicant/State. Perused the investigation papers, from which it reveals that as per the allegation of the Victim, when she was returning back at that time she was subjected for forceful sexual assault by assaulting her. As far as the injuries on her person are concerned, medical certificate discloses the injury on her left thigh. The statement of her father-in-law was recorded, who is an eye witness has disclosed that when he heard the noise of his daughter-in-law rushed towards the spot, witnessed the present Applicant sitting on her person. Thus, considering all these circumstances at this stage *prima facie* case is made out against the present Applicant. Moreover, the earlier bail application was rejected on merits. There are no change in circumstances. In view of that, the Application deserves to be rejected. Accordingly, I proceed to pass the following order.

ORDER

i. The Application is **rejected**.

7. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)