



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

CRIMINAL APPLICATION (BA) NO.814/2025

(Rahul S/o Ambarlal Kodwate Vs. The State of Maharashtra, through P.S.O., P.S. Pendhari (Police Help Centre, Karwafa), Taluka Dhanora, Distt. Gadchiroli)

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

Court's or Judge's orders

Mr. VM. Vishwarupe, Advocate for the applicant.
Mr. Anant Ghogare, A.P.P for non-applicant No.1/State.
Ms. Garima Jain, Advocate for non-applicant No.2.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 14.10.2025.

The applicant is arrested in Crime No.8/2025 for the offence punishable under Sections 64(j), 64(d) and 351(2) of the Bharatiya Nyaya Sanhita.

2. It is the case of the prosecution that the victim was working with the applicant who is a Mason. They were known to each other and they had talks. It is alleged that the applicant called her near Anganwadi school and had forcible sexual relations with her. Secondly when she went for thyroid treatment with the applicant again had forcible relations with her in the field. Thereafter she disclosed it to her husband and the crime is registered.

3. The learned Advocate for the applicant has submitted that the applicant is a married lady having two children. She has not lodged any complaint and continue to work with the applicant. Only because her husband came to know or the relations become strained between the applicant and victim, she has disclosed it and lodged the report. It is a consensual act between two grown up persons. There is no question of any rape. Hence, prayed to release him on bail.

4. The learned A.P.P. opposed the application stating that threats were given to the applicant, she was working under him and because of threats, she has not disclosed it. The statement of victim also shows that he had given threats and had forcible sexual relations with her. It is disclosed by her to her friend and her friend has also given the statement about the incident. As the victim has stated that it is forcible relations and as she has narrated it to her friend, the application be rejected.

5. The learned Advocate for the non-applicant No.2/victim has stated that being a married lady it was shameful for her to disclose any forcible sexual relations by any person, especially when she is a poor lady and has to work with the applicant she must have not disclosed it and, therefore, there is delay of four months. The applicant has taken disadvantage of her financial condition and as she was working under him, she has not disclosed it but the statement of her friend shows that the offence is committed by the applicant. Hence, prayed to reject the application.

6. Heard both sides and perused the record.

7. A married grown up lady has made the allegations against the applicant after four months that applicant had committed rape on her. After first incident she had normally behaved with him and with all other persons. She did not disclose about it to anybody. On the contrary, she went with him for taking medical treatment for thyroid and again second incident took place. If a lady was knowing that the applicant has committed such offence and has not disclosed it, there is no question of going along with him for any treatment. It appears that it is consensual sexual relations between grown up persons.

Hence, case is made out to release the applicant on bail. The application is allowed.

- i) Applicant - Rahul S/o Ambarlal Kodwate be released on bail in Crime No.8/2025 for the offence punishable under Sections 64(j), 64(d) and 351(2) of the Bharatiya Nyaya Sanhita, on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount.
- ii) The applicant shall not in any way tamper with the prosecution evidence.
- iii) The applicant shall not pressurize or threaten the prosecution witnesses.
- iv) The applicant shall co-operate with the Investigating Officer.
- v) The fees of learned Advocate for the non-applicant No.2 shall be paid as per rules.
- vi) The observations hereinabove are made only for the purpose of grant of bail and shall not influence the trial.

(MRS.VRUSHALI V.JOSHI, J.)