



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 578 OF 2026

Kisan Samsha Padvi,
Age : 40 Years, Occu. : Labour,
R/o Baripada, Telhedi, Post
Mandvi Bk. Tq. Dhadgaon,
Dist. Nandurbar. .. Applicant

Versus

The State of Maharashtra .. Respondent

Ms. Sarin Karishma Sanjay, Advocate for the Applicant.
Shri A. R. Kale, Addl.P.P. for the Respondent – State.

CORAM : SHAILESH P. BRAHME, J.
DATE : 10TH APRIL, 2026.

ORDER :

. Heard both sides. Applicant is seeking enlargement on bail in respect of offence bearing Cr. No. 05/2026 registered with Dhadgaon Police Station, Dist. Nandurbar for the offences punishable U/Sec. 64(2)(f), 64(2)(m), 331(4) and 351(3) of the Bhartiya Nyaya Sanhita, 2023.

2. It is alleged against the applicant that he forceably kept physical relations with the prosecutrix and had repeatedly committed offence of rape. He is alleged to have ravished prosecutrix in December 2024 and on 06.01.2026. First information report is filed on 07.01.2026.

3. Learned counsel for the applicant submits that prosecutrix is a major, married and has children. He is falsely implicated in the offence in question. The prosecution theory is improbable. There is no reason as to why she did not set law into motion immediately after the first incident. The medical report does not support the prosecution theory. There is no direct or indirect incriminating material against the applicant.

4. Application is contested by the learned A. P. P. It is submitted that statements of the witnesses would show incriminating role of the applicant. Due to threats exerted by him victim could not approach the police promptly. It is submitted that the trial will be concluded soon.

5. First information report shows that informant is major, married and mother of three children. Applicant is her distant relative and residing in the same vicinity. She is alleged to have been ravished in December 2024 and thereafter on 06.01.2026. The long spell of slumber raises doubt for the prosecution case.

6. The prosecutrix was with the relatives of husband. There is no reason as to why she did not approach police promptly. *Prima facie* case appears to be of consensual intercourse. Medical evidence also does not suggest any forceable relationship. Applicant is behind bars since 09.01.2026. I, therefore, pass following order.

ORDER

- A. The bail application is allowed.
- B. Applicant – Kisan Samsha Padvi shall be released on bail in respect of Cr. No. 05/2026 registered with Dhadgaon Police Station, Dist. Nandurbar for the offences punishable U/Sec. 64(2)(f), 64(2)(m), 331(4) and 351(3) of the Bhartiya Nyaya Sanhita, 2023 on condition of furnishing P. R. bond and S. B. of Rs. 20,000/- (Rs. Twenty thousands only) with one solvent surety of like amount.
- C. The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.
- D. The applicant shall cooperate in expeditious disposal of trial.
- E. The applicant shall surrender his Aadhar and Pan cards to the investigating officer.
- F. Bail application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/April 26