



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

ANTICIPATORY BAIL APPLICATION NO. 647 OF 2026

**BAPU RAOSAHEB RAKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Applicant : Ms. Lomte Ashwini Annasaheb

APP for Respondents/State : Mr. D. J. Patil

Advocate for Respondent No.3 : Ms. Sultana R. Khan (appointed)

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CORAM : MEHROZ K. PATHAN, J.

DATE : 29th APRIL 2026

PER COURT :

1. Heard the learned Counsel for the Applicant, learned appointed Counsel and the learned APP for the State.
2. The Applicant has approached this Court, seeking anticipatory bail in connection with Crime No.80/2026 registered with Ambejogai Police Station, District Beed for the offences punishable under Sections 64(2)(m), 89, 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023.
3. The case of the prosecution is that the complainant, presently aged 24 years, was a minor in the year 2017 when she was studying in Class XI at Kholeshwar College, Ambajogai. It is alleged that Applicant No. 1, Bapu Raosaheb Rakh, developed an

acquaintance with her at Vitthal Rukmini Chowk, Ambajogai, and gradually initiated a relationship on the pretext of guiding her in studies and expressing affection. The complainant asserts that on 24/10/2017, he called her to his sister's residence behind Yogeshwari College under the guise of explaining topics of Biology, and there forcibly established sexual relations with her. This incident, as per the prosecution, occurred when the complainant was a minor, which subsequently formed the basis for invoking Sections 4 and 6 of the POCSO Act during investigation. The complainant further alleges that the relationship thereafter continued over the years, with Applicant No. 1 repeatedly assuring her of marriage. It is alleged that on 12/02/2022, Applicant No. 1 called the complainant to a hotel room at Kolhapur, administered an intoxicating substance by mixing it in a beverage, and thereafter recorded her nude photographs and videos without her consent. According to the prosecution, these recordings were subsequently used to blackmail the complainant and coerce her into further physical relations. The complainant's detailed affidavit narrates several such instances between 2017 and 2025, reflecting a continuous pattern of alleged coercion, deception, and exploitation. The record further discloses that the families of the complainant and Applicant No. 1 held negotiations for marriage, resulting in a formal engagement ceremony (*Sakharpuda*) dated 05/08/2025 at Jay Bhavani Function Hall, Kalamb, District Dharashiv.

4. The learned Counsel for the Applicant Miss. Lomte submits

that the Applicant is falsely implicated in the present crime. The Applicant was engaged to the Complainant, and the engagement ceremony was performed on 05.08.2025 at Jay Bhavani Function Hall, Dharashiv. The invitation card for the engagement ceremony, as well as the photographs, suggest that the Applicant had always intended to marry the Complainant. There are WhatsApp chats exchanged between the Complainant and the Applicant which show that there was a consensual relationship. The Complainant has deliberately made allegations of sexual intercourse when she was a minor, only with an intention to implicate the Applicant under the stringent provisions of the POCSO Act. The Complainant is in the habit of filing false complaints. She had earlier filed one such complaint against her own parents, and her father was tried under the stringent provisions of the POCSO Act, which resulted in the acquittal of her parents. The learned Trial Court at Ambejogai, in Special Child Case No. 55/2020, acquitted her father, Navnath Kakad, her mother, Nirmala Kakad, and her relative, Eknath Kakad, in Crime No. 120/2020 registered at Kaij Police Station. These allegations themselves demonstrate that the Complainant is in the habit of filing false complaints. The Applicant is a Doctor and has deep roots in society. The Applicant is not having criminal antecedents and is ready to abide by any conditions that may be imposed by this Court. Hence, the Applicant prays for protection.

5. As against this, the learned APP as well as the learned appointed Counsel for Respondent No. 3 strongly oppose the present

application on the ground that the Applicant is involved in the serious offence of rape, which is punishable with life imprisonment. The Applicant is alleged to have committed forcible sexual intercourse in the year 2017 when the girl was a minor. The victim girl was born in the year 2001, and the first incident of forcible sexual intercourse, by administering stupefying substances, occurred in 2017 when she was only 16 years of age. The learned appointed Counsel Ms. Khan further submits that the medical evidence of the Complainant-victim substantiates the allegations made in the FIR. There are witnesses whose statements have been recorded, and they corroborated the allegations in the FIR. The Applicant, if released on bail, may threaten the prosecutrix and thereby cause prejudice to the prosecution case. Hence this is not a fit case to grant anticipatory bail to the Applicant.

6. I have gone through the investigation papers made available by the learned APP. The perusal of the investigation papers shows that the girl was born in the year 2001. The school admission record has been obtained by the Investigating Officer. The investigation papers further show photographs of the engagement ceremony performed between the Applicant and the Complainant. The statements recorded during the course of investigation prima facie indicate that the engagement ceremony was performed with the consent of the Complainant. The sexual intercourse, if any, as alleged in the FIR, appears prima facie to be consensual. The submission that allegations regarding administering stupefying substances are an

exaggeration, cannot be ruled out at this stage. The allegations of directing the Complainant to take pills for abortion are also not supported by any corroborating evidence. The aforesaid allegations appear to have been made only with an intention to drag the Applicant under more stringent provisions, with a view to wreak vengeance for cancellation of the marriage after the engagement ceremony was performed. However these are observations prima facie in nature which are made to decide application for bail and the same shall not influence the trial Court. The statement of the victim girl under Section 183 BNS is also recorded.

. Be that as it may, taking into consideration the nature of the allegations and the fact that the investigation appears to have been completed, the custodial interrogation of the Applicant may not be necessary. The apprehensions of the APP as well as the learned appointed Counsel for Respondent No. 3 can be addressed by imposing stringent conditions. Hence, I am inclined to protect the Applicant in exercise of discretionary powers under Section 482 of the BNS. Hence the following order :

ORDER

(i) In the event of arrest of the Applicant - Babu Raosaheb Rakh in connection with Crime No.80/2026 registered with Ambejogai Police Station, District Beed for the offences punishable under Sections 64(2)(m), 89, 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023, he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties in the like amount, on the following conditions :

- (a) The Applicant shall attend Ambejogai Police Station, District Beed on every Sunday between 11:00 am. to 01:00 pm. and thereafter as when called by the Investigating Officer, till filing of the charge-sheet.
- (b) The Applicant shall hand over the mobile phone and the data or photographs of the victim girl, if any, available with him.
- (c) The Applicant shall not tamper with the prosecution evidence and shall not influence the witnesses. The Applicant shall not threaten the Complainant or her family members.
- (d) The Applicant shall submit his Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.
- (e) A single violation of the conditions would entitle the prosecution to seek cancellation of the bail.
- (f) The High Court Legal Aid Sub-Committee shall pay fees to the learned appointed Counsel for Respondent No. 3 as per the Rules.
- (ii) The application is allowed in the above terms and stands disposed of.

MEHROZ K. PATHAN
JUDGE