

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION. NO. 2327 OF 2025

MUSAB IRFAN NIRBADKAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Yesh Fadtare a/w Mr. Vaibhav Halke a/w Mr. Sairaj Suryawanshi,
Advocate for Applicant

Smt. P. S. Rane, APP for the Respondent-State.

Mr. Sunil Kamble a/w Mr. Sandesh Kamble, Advocate for
Respondent No.2

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 17th FEBRUARY, 2026

PER COURT :

1. Applicant apprehends arrest in C.R. No.13/2025, registered with Mandangad Police Station, District Ratnagiri, for offence punishable under Sections 64(2)(j), 64(2)(f), 64(2)(m), 64(2)(i) of the Bharatiya Nyay Sanhita, 2023 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Prosecution case, in short, is that the victim is minor of 13 years age and informant is her mother. In the month January, 2025 the victim missed her menstrual cycle, therefore, informant along with her sister-in-law took her to the doctor for check-up. The doctor after examining the victim informed that she is four months' pregnant. When informant asked the victim about the same by

taking her into confidence, she disclosed that in December, 2024 when she was returning home from her friend's house applicant took her to his house by holding her hand. At that time there was no one in his house. Applicant committed sexual intercourse with the victim forcibly. As the victim was afraid she did not disclose about the said incident to anyone. Thereafter, in the same month when victim had went to the house of applicant to give money to the mother of applicant, applicant again committed sexual intercourse with the victim forcibly.

3. By order dated 09/10/2025, interim protection was granted to the applicant by recording statement of the applicant that if DNA of applicant matches with the fetus of the victim, he will withdraw the present application. Charge-sheet is filed in the present crime on 07/01/2026. Learned APP fairly submits that the DNA of applicant does not match with the fetus of victim and the DNA of accused No.2 matches with the fetus of victim.

4. In view of the above, since the DNA of applicant does not match with the fetus of victim and as the charge-sheet is filed, custodial interrogation of applicant is not necessary in the facts of the present case.

5. In the result, the application is allowed. In the event of

arrest of applicant Musab Irfan Nirbadkar in connection with C.R. No.13/2025, registered with Mandangad Police Station, District Ratnagiri, applicant be released on executing personal bond of Rs.15,000/- with one surety in the like amount.

6. Applicant shall not enter the jurisdiction of the concerned police station till the trial is over. Applicant shall not tamper with the prosecution evidence.

(NITIN B. SURYAWANSHI, J.)