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

**CRIMINAL BAIL APPLICATION NO.975 OF 2026**

Prafulkumar Raichand Lodha ...Applicant

*V/s.*

The State of Maharashtra & Anr. ...Respondents

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Mr. Sachin R. Desai with Mr.Jagtap for the Applicant.
Mr. Amit Munde, Addl.P.P. with Ms. Veera Shinde, APP for Respondent-State.
Mr. Vipul Dushing with Mr.Govind Munde for the Intervenor.
Mr. Vishal Gaikwad, API, MIDC police station present.

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**CORAM: SHYAM C. CHANDAK, J.**
**DATED : 7th OCTOBER 2026**

**P.C. :-**

1. Heard learned Counsel for the parties. Mr. Desai, the learned Counsel tendered certain news paper cuttings and medical papers of another crime registered against the applicant. It is taken on record and marked “Y” colly. for identification.

2. Present Application seeks release of the applicant on bail in connection with an FIR bearing Crime No.486 of 2025, registered with MIDC police station, Andheri, Mumbai for the offence punishable under Sections 351 (2), 69, 318 (4) of the Bharatiya Nyaya Sanhita, 2023 (“BNS”) on the report dated 8th July 2025, filed by Respondent No.2 (“the victim”).

3. The prosecution case is that, in December 2024, the applicant and the victim got acquainted with each other at Rajeshri Shahu Maharaj Jogging Track, at Nashik. Thereafter, they both met with each other on 7 to 8 occasions at the same place. During said meetings, the applicant obtained the details about the family and

educational background of the victim and told her that, he has acquaintance in the Mantralaya and he would get her a job. He also impressed upon her that he had helped many needy women in getting them job. Since the applicant appeared to be a helpful person, the victim trusted him and shared her contact details with him. During further meetings between January to February 2025 at the same jogging track, the applicant told the victim that he was making efforts to find a job for her.

**3.1** As the prosecution story goes further, on 3rd April 2025, victim came to Mumbai, to search for a job as advised by her childhood friend who has been residing in Mumbai and, since then the victim was residing with her friend. However, she did not get any job. Therefore, in May 2025, the victim contacted the applicant on phone and told him that she was in dire need of a job. In reply, the applicant assured her that, he would get her a job in the Government Hospital.

**3.2** On 14th June 2025, the applicant phoned the victim and called her to certain hotel at 11.00 am, on the pretext of discussing with her about a job. During discussion, the applicant told the victim that he would get her a job in the Government Hospital. The victim told the applicant that her friend was also in need of a job. Therefore, the applicant told the victim to bring her friend to meet him. Thereafter, when the victim was about to leave, hugging her, the applicant remarked that she is of a good nature and looks beautiful.

**3.3** It is alleged that, thereafter, on one day, the applicant again called the victim at the same hotel, in a certain room. When the victim went there, the applicant hugged and offered her a flower bouquet. Further, the applicant praised her appearance and asked whether she and her friend were in need of money. On the next day, the applicant again phoned the victim and called her in the same

hotel saying that her job is fixed. The victim went there. At that time, the applicant hugged her. Further, the applicant took her to a mobile shop and bought her a new mobile phone. Thereafter, one day, as called by the applicant, the victim along with her friend went to meet the applicant in the same hotel. At that time the applicant assured the victim and her friend that he would get job for both of them and as suggested by him, the two had attended an interview in Lodha Company, but they did not get any job.

**3.4** It is alleged that on 19th June 2025, the applicant phoned the victim and asked her to come to the same hotel on the pretext that her job got fixed. At about 2.00 pm the victim went there. However, the applicant committed forcible sexual intercourse with the victim, against her will. Thereafter, when the victim was escaping, the applicant threatened her that he has her video and photo, if she discloses the said incident to anyone, he would make said video and photo viral. Thereafter, the victim lodged a report on 8th July 2025, leading to registration of the crime and arrest of the applicant. On completion of the investigation, police filed the charge-sheet. The trial Court refused the applicant's prayer for bail.

**4.** Mr. Desai, the learned Counsel submitted that, earlier, the applicant was working with certain political leader of one party. Due to his differences with said leader, the applicant joined another political party in the year 2024. Therefore, the applicant has been falsely implicated in this case at the instance of said political leader with whom he was associated for long time. To substantiate the same, Mr. Desai pointed the news paper cuttings.

**4.1** In addition, Mr. Desai, pointed that although the victim alleged the act of rape against the applicant, she refused for her medical examination to confirm the same. There is an unnatural delay in lodging of the report by the victim. No objectionable photos

or videos of the victim were found in the seized mobile phone of the applicant. Thus, the delay in the Report falsifies the prosecution case. He submitted that on 5th July 2025, similar offence was registered against the applicant on the Report lodged by her said friend. In this earlier crime, when the applicant was medically examined, the Medical Officer opined that the applicant has been suffering from erectile dysfunction which is fortified by the fact that the applicant is aged more than 62 years. However, in the present crime, after the medical examination, the Medical Officer opined that the applicant does not have such abnormality, which is false. Because, during the course of said medical examination at K.E.M. Hospital, the applicant was given four injections at his private part, which resulted into serious medical complications. As a result, the applicant was referred to J.J. Hospital as an emergency case. Where, the medical treatment saved him. Two such cases are also registered against the applicant subsequent to the registration of the present crime. These circumstances coupled with the news paper cuttings clearly indicate that the applicant has been falsely implicated in this case due to the political rivalry.

**4.2** Mr. Desai submitted that the applicant has been suffering from poor eyesight and he is not able to take his proper care. The investigation is over. The evidence of the victim is part-heard. No prosecution witness is influenced by the applicant, directly or indirectly. Therefore, the applicant is entitled for bail.

**5.** In reply, Mr. Munde, the learned Addl.P.P. submitted that, the narration of the victim in her report clearly indicate that on the pretext of giving her a job, the applicant had repeatedly called her in the said hotel and committed rape on her. This fact is corroborated with the CCTV footage of the hotel, CDRs of the mobile phones of the victim and the Report of alleged rape filed against the applicant,

by the friend of the victim. Mr. Munde submitted that the testimony of the victim is consistent with her Report. Therefore, at this stage, it cannot be maintained that the applicant has been falsely implicated in this case due to political enmity. Therefore, bail may be refused.

6. I have considered these submissions. In the Report, the victim has categorically narrated as to how the applicant used to call her in the said hotel on the pretext of giving her a job. During said visits, the applicant used to hug her and praise her appearance. Lastly, as alleged, he raped her. The narration in the Report about visits of the victim to that hotel is supported with the CCTV footage and the CDRs, which is not disputed by the learned Counsel for the applicant. It is difficult to understand as to why all the time it was necessary for the applicant to call the victim to meet him in that hotel only. Therefore, *prima facie*, it can be said that the victim was in dire need of a job, as both of her parents had passed away and, the applicant, by taking advantage of the said situation of the victim, committed rape on her. This conclusion is supported with the medical report of the applicant. Therefore, at this stage, the inconsistency in the medical reports of the applicant, highlighted by Mr. Desai, is not sufficient to doubt the narration of the victim.

7. Secondly, there is nothing on record indicating that the victim had some connection with the political leader at whose instance, as claimed by the applicant, he has been falsely implicated in this case. No doubt, the news pointed from the news paper cuttings indicate about certain dispute between the applicant and his rival political party. As per the submissions, the said dispute was started in the year 2021. However, meanwhile, the applicant was not booked in any criminal case on account of that dispute. Therefore, considering the facts of the case, that the victim has testified in line with her

Report and that, the hearing of the case is at an initial stage, it is difficult to *prima facie* conclude that the applicant has been falsely implicated in this case.

8. In the backdrop, the applicant is not entitled to be released on bail. Hence, the application is rejected.

9. It is clarified that any observation made in the present order are for the purpose of deciding the present Bail Application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

10. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)