



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [B.A.] NO. 32 OF 2026

Kheduram S/o Bhagol Banjara

-- VERSUS --

State of Maharashtra and Another

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

Court's or Judge's orders.

Mr. G.H. Barange, Advocate (appointed) for the Applicant.

Ms. P.C. Bawankule, AP.P. for the Non-applicant No.1/State.

Mr. Pranit Vairagade, Advocate (appointed) for the Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 09, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.104/2024 for the offence punishable under Sections 64(2)(k) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS), read with Sections 4, 6 and 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, registered with Police Station Korchi, District Gadchiroli.

3. The FIR states that on 28/11/2024, the minor victim, a 17 year old differently abled girl, was allegedly subjected to sexual assault by her maternal uncle, at her residence in Temli, Korchi. The victim reportedly informed her parents that the accused

took advantage of her differently abled condition and forcibly committed sexual assault with her. On learning of the incident, the parents immediately took the victim to Korchi for medical examination and treatment. The F.I.R. further mentions that the victim resides with her parents and siblings, and the accused allegedly committed the act without the consent of the victim. Based on these allegations, the F.I.R. was lodged.

4. The learned counsel appearing for the applicant submits that the present applicant is the real uncle of the victim, wherein the allegations of rape has been made. The victim is 17 years and 7 months old. He submits that there is some dispute going on in respect of ancestral property between the parties. He further submits that the present applicant is falsely involved, which could be gathered from the medical evidence. He further submits that only to set this Court in motion, the present applicant has been implicated. He further submits that the applicant was arrested on 29/11/2024, so also, now the investigation is over and the charge-sheet is filed. He further submits that considering the nature of allegations and the fact that there is no supporting medical evidence, he is entitled for bail.

5. On the other hand, the learned A.P.P. and the learned counsel appearing for the victim

opposes the application and submit that the victim is differently abled girl. They further submit that there are direct allegations against the applicant, wherein the present applicant has raped the victim. They further submit that the statement of the victim is sufficient to attract provisions of the POCSO as well as the BNS, and therefore, prayed to reject the application.

6. I have considered the rival submissions. I have perused the statement of the victim, wherein it appears that the present applicant is the real uncle of the victim. It further appears that there is no specific date and time of incident, however, it appears that, the allegations are made against the applicant of rape, although, perusal of the medical papers of the victim, it appears that, the doctor has opined that there is no evidence of sexual intercourse. Considering the fact that the applicant was arrested on 29/11/2024, and now the investigation is over and charge-sheet is filed, and there is no progress in the trial, I am inclined to grant bail on imposing stringent conditions. Hence, the following order:-

ORDER

(i) The Criminal Application is **allowed;**

(ii) The applicant/accused (Kheduram S/o Bhagol Banjara) be released on

regular bail in connection with Crime No.104/2024 registered with Police Station Korchi, District Gadchiroli, for the offence punishable under Sections 64(2)(k) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS), read with Sections 4, 6 and 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, on his furnishing a P.R. bond of Rs.25,000/- (Twenty Five Thousand Rupees) with one solvent surety in the like amount;

(iii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence;

(iv) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency;

(v) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of

bail or even trial Court *suo moto* take cognizance of this and cancel the bail;

(vi) The applicant shall not enter within the jurisdiction of Korchi, District Gadchiroli;

(vii) Fees of the appointed counsel be quantified and paid as per rules;

(viii) Pending Misc. Application(s), if any, also stand disposed of.

7. The observations of this Court are *prima facie* in nature. The Trial Court shall not be influenced by the observations of this Court and the observations are restricted to this bail application only.

[M.M. NERLIKAR, J]