

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 187/2026

(Sanjay S/o Tularam Kapurderiya Vs. The State of Maharashtra)

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

Court's or Judge's orders

Ms. Vrushali Mohod Advocate (appointed) for applicant.
Mr. A. Madiwale, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 16/03/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.143/2023 registered with Police Station Kurkheda, Dist. Gadchiroli for the offence punishable under Sections 376, 376-D, 376(2)(h), 450 of the Indian Penal Code, 1860.

3. The story of the prosecution in a nutshell is that the victim is a pregnant lady and when she was alone at home, the accused persons i.e. the present applicant and his real brother Tarachand entered her house and committed forcible sexual intercourse. After her screaming, when the uncle of the victim came, both the accused persons ran away. Accordingly the FIR was lodged with the non-applicant police station.

4. The learned counsel for the applicant submits that there are allegations of gang rape against the applicant. It is alleged that on 10.08.2023, the applicant had gone to the house of the father of the victim, where she had come for the purpose of delivery as she was pregnant. Initially, the applicant and one Tarachand who is the brother of the applicant came to the house of the victim and asked whether anyone was in the house, however the victim replied that there was no one present. Thereafter, again after 20 minutes, both came and committed sexual assault on the victim. The learned counsel submits that though there are allegations of sexual assault against both the real brothers, however the medical evidence does not support the said allegations. She submits that the hymen is old healed, therefore it cannot be said that gang rape has been committed on eight months pregnant woman. According to her, the applicant has been falsely implicated as the victim and the family of the accused are not on good terms, therefore she submits that considering the nature of allegations and the fact that the applicant is falsely implicated, the applicant be granted bail.

5. On the other hand, the learned APP vehemently opposes the application and submits that the victim was at her paternal home for the purpose of her second delivery. On 10/08/2023, when the parents of the victim had gone to the field, the applicant along with his brother Tarachand came to the house of the victim and committed gang rape on the victim. The applicant has committed a heinous offence which could be gathered from the allegations as the victim was eight months pregnant. In statement recorded under Section 164 of the Code of Criminal Procedure she has narrated the entire incident. Even the allegations are supported by the statement of the uncle of the victim and therefore he submits that considering the serious nature of allegations, the applicant may not be released on bail.

6. I have considered the rival submissions. I have perused the first information report as well as statement of the victim under Section 164 of the Code of Criminal Procedure along with other material. *Pirma facie*, it appears that when the victim was at her parental home, the applicant and his real brother committed gang rape on the victim. At the relevant time, she was 7 to 8 months

pregnant. Considering the heinousness and serious nature of allegations, I am not inclined to grant bail, hence the application is rejected.

7. Since the applicant is in jail since 10/08/2023, the Trial Court is requested to expedite the trial. In case the trial is not concluded within six months, the applicant is at liberty to file a bail application before the Trial Court on the ground of delay in trial.

8. Fees for the appointed counsel be quantified and paid as per the Rules.

(M. M. NERLIKAR, J.)