

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

CRIMINAL APPLICATION (BA) NO. 694/2025
 (Baburao Sukhdeo Gawai Vs. State of Maharashtra & anr.)

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

Court's or Judge's orders

Mr. S. V. Sirpurkar, Advocate for applicant.
 Mr. A. Mate, APP for non-applicant/State.
 Mr. Viren Joshi, Advocate (appointed) for non-applicant No.2.

CORAM: M. M. NERLIKAR, J.

DATED : 06/02/2026.

Heard.

2. By the present application, the applicant is seeking bail in connection with Crime No.276/2024 registered with Police Station Hiwarkhed, Tq. Khamgaon, Dist. Buldhana for the offence punishable under Sections 64(1), 74, 75, 115(2), 351(2)(3), 352 of the Bharatiya Nayay Sanhita.

3. The First Information Report ("FIR") is lodged by victim alleging that on 05.12.2024 while she was grazing her mare in the agricultural field belonging to Sahebrao Patil, the present applicant/accused approached her and while talking, tried to come close. The applicant then attempted to pull her and pressed her breast. When the informant resisted, the applicant allegedly pushed her to

the ground, slapped her, and threatened to kill her if she discloses the incident to anyone. The applicant lifted saree of informant and removed her undergarment. He then inserted his finger into her private part, opened her blouse, and pressed her chest. When the complainant attempted to raise an alarm, the applicant again threatened her with dire consequences and thereafter fled from the spot. When the informant attempted to raise an alarm, the applicant again threatened her with dire consequences and thereafter fled away from the spot. On the basis of this information, FIR was registered.

4. The learned counsel appearing for the applicant submits that the applicant has been falsely implicated in the crime. The applicant is 60 years of age, and victim is 36 years of age, therefore the allegations made in the FIR cannot be believed. He submits that the applicant has registered FIR bearing Crime No.277/2024 against the father of the victim on 06.12 2024 alleging that on 05.12 2024 at about 06.00 pm the father of the applicant has beaten him.

5. He further submits that there was also dispute between the applicant and the father of the victim as their fields are adjacent to each other, therefore he submits that in order to implicate the applicant, they have used the victim as a tool, he therefore, prayed to grant bail.

6. On the other hand, the learned APP and learned counsel appearing for non-applicant No.2-victim vehemently opposed the application and submitted that the submissions made by the applicant are without any basis. Nothing is placed on record to show that there was dispute in respect of the land property. They submit that it is only after the registration of the present FIR, the accused/applicant has registered FIR on 06.12.2024 stating that the father of the victim has assaulted the applicant. They further submit that even if the FIR lodged by the present applicant is taken into account as it is, it could be gathered that it corroborates the story narrated by the victim in the FIR that after committing the offence, when the father of the victim went to question the applicant about the alleged act, there was scuffle between the applicant and the father of the victim. They submit that there is no reason to implicate the present applicant in

such a heinous offence. Merely because the victim is of 36 years of age would not be sufficient to say that the offence of rape cannot be committed on the victim therefore they submit that there is no merit in the application and same deserves to be rejected.

7. I have heard the learned counsel appearing for the applicant, the learned APP as well as learned counsel appearing for non-applicant No.2-victim. Admittedly, the victim has registered the FIR on 06.12.2024 at about 00:28 hours in the midnight of 5th and 6th of the December 2024. It appears from the FIR that on the day of incident at about 02.00 pm, while the victim was grazing the mare in the field of one Patil, at that time the applicant came there. Initially, he talked with her and tried to hug her despite resistance, he pressed her chest. Thereafter, he slapped her and committed sexual assault. Immediately, she returned to the house and informed her father about the incident. Accordingly, the father went to the applicant for questioning him. However there was a scuffle between them. Thereafter, the victim along with her father went to the police station and registered the FIR. Admittedly, there are serious allegations against the applicant. It appears

from the FIR that it is not a consensual act. On the contrary it appears that it is a forceful act, without there being consent of the victim.

8. As argued by the learned counsel for the applicant that there was dispute between the applicant and the father of the victim, I do not find anything on record to substantiate this submission. So far as the first information report is concerned, it strengthens the case of the victim herself. Therefore, considering the nature of allegations I am not inclined to grant the bail to the applicant.

9. In view of above, the application is rejected.

10. At this stage, the learned counsel appearing for the applicant submits that as the applicant is in jail since 06.12.2024, the trial be expedited. Considering the fact that the applicant is in jail since more than one year, the Trial Court is requested to conclude the trial within nine months.

11. The fees of the appointed counsel be quantified and paid as per Rules.

(M. M. NERLIKAR, J.)