



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

CRIMINAL APPLICATION [BA] NO. 1275 OF 2025.

Arbaz Khan Mukhtar Khan

-VERSUS-

The State of Maharashtra and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.D. Karode, Advocate for the Applicant.

Ms M.H. Deshmukh, A.P.P. for Non-applicant No.1.

Ms V.A. Warade, Advocate (Appointed) for Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 12, 2026.

Heard learned Counsel for the parties.

2. The present application is filed by the applicant under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail in connection with Crime No.99/2025 registered with Raipur Police Station, District Buldhana for the offence punishable under Sections 65[2], 64[2][m] of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act. Charge sheet in the matter is filed.

3. The case of the prosecution in brief is that the victim was subjected to rape by the Accused 'G' and 'L', who are juveniles on two occasions i.e. 02.04.2025 and 17.06.2025, while they were playing together, which has been supported by the testimony of eye witness, who is brother of the victim. During the course of investigation, it further came on record that the present applicant in the evening of 17.06.2025, lured the victim with cream biscuit and asked her to follow her. When the victim refused, he forcefully took her to a hut near the dargah, where he subjected her to rape. He also threatened her not to disclose the incident to anyone or else he would kill her and her family members.

4. The learned Counsel for the applicant submits that perusal of the first information reveal that name of present applicant does not appear anywhere. My attention is invited to the statements of victim dated 20.06.2025, 22.06.2025 and 24.06.2025. The victim has in the aforesaid statements implicated the accused 'G' and 'L'. He further submits that for the first time the applicant has been implicated in the statement dated 17.07.2025, which has been recorded after

one month from the date of incident i.e. 17.06.2025. Therefore, the version of the victim, she being of tender age, cannot be believed. He further submits that the applicant is of young age and even there is no medical evidence to support the allegations of rape. He is languishing in jail from 18.07.2025, and therefore he be enlarged on bail.

5. The learned A.P.P. vehemently opposed the application as the victim is only of 8 years and a heinous crime has been committed by the applicant. She submitted that from the statement dated 17.07.2025, it reveals that the victim was badly threatened by the applicant, saying that if she narrates about the said incident, he will kill her and her family members, and therefore, the victim has given sufficient explanation so as to not name the applicant earlier. Also the medical evidence demonstrates that victim was subjected to sexual assault. Considering the gravity of the offence, and age of the victim she prayed for rejection of the applicant.

The learned Counsel for the victim has adopted the contentions of the learned A.P.P. and prayed that the applicant may not be enlarged on bail, as he is residing in the

neighborhood of the victim.

6. It appears that mother of the victim has lodged the aforesaid first information report on 20.06.2025 alleging rape on her daughter, by accused 'G' on two occasions i.e. on 02.04.2025 and 17.06.2025. On the basis of this report, investigation was carried out. Statement of victim was recorded, wherein she has disclosed name of another accused 'L' along with accused 'G', that they have committed the offence of rape. Both accused i.e. accused 'G' and 'L' are juveniles. During investigation, again statement of victim was recorded by the investigating officer, wherein she disclosed the name of present applicant the he has committed rape on her on 17.06.2025.

7. It appears from all these statements and the material placed on record before me, that the first incident had occurred on 02.04.2025 and the second one had occurred on 17.06.2025. So far as the first incident dated 02.04.2025 is concerned, an understanding was given by the family members of the victim to the family members of accused 'G', and it was informed that accused 'G' has committed such an act. Later on

it reveals that on 17.06.2025 also accused 'G' committed the same act.

8. It appears that on 20.06.2025, statement of victim was recorded by PSI, where she has not implicated anyone. However, the statement recorded on 24.06.2025, shows that two juvenile accused are named therein i.e. accused 'G' and 'L'. It further appears that later again statement of victim was recorded on 17.07.2025, wherein in respect of the incident dated 17.06.2025 the present applicant was implicated. In her statement the victim has given explanation as to why she has not disclosed name of present applicant at the initial point of time. It further appears from the record that the victim is aged 8 years. The incident occurred while she was playing with her friends, even accused 'G' and 'L', who are juvenile, are also her friends. It can be gathered from the investigation papers that on the very same day, in the evening, present applicant has committed sexual intercourse with the victim. At this juncture, it would not be out of place to mention here that the two juveniles, who were playing with the victim, apparently were implicated on the basis of the statements of other witnesses, so

also on the statement of the victim. However, it appears that later on on 17.06.2025, the present applicant arrived there and thereafter he has taken the victim to one cottage [zopdi], and committed forceful sexual intercourse.

9. Considering the statements of victim, coupled with explanation tendered by her in her subsequent statement, so also the age of the victim and the gravity of the offence, I am not inclined to consider the prayer for grant of bail. Criminal Application is therefore, rejected.

10. Fees of the appointed Counsel be determined and paid as per Rules.

JUDGE