



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

CRIMINAL APPLICATION (BA) NO. 58/2026

(Harekrishna Haripad Mandal 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.R. Chutke, APP for non-applicant No.1/State.
Ms. Aastha Sharma, Advocate (appointed) for non-applicant No.2.

CORAM: M. M. NERLIKAR, J.

DATED : 10/02/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.77/2025 registered with Police Station Mulchera, Dist. Gadchiroli for the offence punishable under Sections 64, 137(2), 118(1), 351(2), 351(3) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 6, 8, 12, 42 of the Protection of Children from Sexual Offences Act.

3. The Prosecution story in nutshell is that, the informant/victim aged 17 years 8 months has lodged report on 14.09.2025 alleging that the accused is familiar to her being her distant relative. It is alleged that on 26.10.2022 around 11:00 p.m., the accused committed forcible sexual intercourse with her in football ground situated in front of her house. It is alleged that, in June

2025, the accused took the victim to his house and there also, he has committed forcible sexual intercourse on the victim for 15 to 20 days. It is alleged that, on 08.09.2025, the accused assaulted the victim with wooden handle of axe and on 10.09.2025, the parents of accused dropped the victim at her home. Thus, it is alleged that the accused has committed repeated forcible sexual intercourse on the victim.

4. The learned counsel appearing for the applicant submits that the victim is of 17 years and 8 months of age. It is alleged that when she was of 14 years, for the first time the applicant committed rape on her. He submits that no such incident occurred as alleged by the prosecutor which could be seen from the entire investigation paper. When she was 17 years and 8 months and was residing with the present applicant for a considerable time, at that time she made the allegations of rape giving references of prior date. He submits that considering the understandable age of the victim, the offence of rape cannot be attributed to the present applicant as they were living together prior to the registration of FIR. According to him, it is a consensual act and therefore the present applicant is

entitled for bail as the investigation is over, the charge sheet is filed and the applicant is in Jail since 14.09.2025.

5. On the other hand, the learned APP as well as the learned counsel appearing for the non-applicant No.2-victim vehemently oppose the application and invited my attention to the statements which are recorded from time to time. They submit that considering all these statements, the role of the present applicant is clearly seen. They further submit that considering the age of the victim and the first incident which took place when victim is of 14 years of age, the present applicant does not deserves to be enlarged on bail.

6. Upon considering the rival submissions and after perusal of the relevant statements of the victim, admittedly it appears that in the statements, the alleged offence of rape has been attributed to the present applicant, when the victim was of 14 years of age. However, there is no complaint or FIR against the present applicant at the relevant time. It appears that when she was at the verge of attaining the majority, she has made on complaint referring to the earlier instances. Considering this fact and

the fact that the victim resided with the applicant for considerable period and further the trigger point seems to be the beating given to the victim by the applicant which could be gathered from the injury certificates, the FIR was registered. However, the fact remains that the victim was of understandable age and the verge of majority, the FIR was registered. The present applicant was of 23 years of age. Considering this fact and further as the investigation is complete, charge sheet is filed and applicant is in Jail since 14.09.2025, I am inclined to grant bail. Hence, the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Harekrishna Haripad Mandal be released on regular bail in connection with Crime No.77/2025 registered with Police Station Mulchera, Dist. Gadchiroli for the offence punishable under Sections 64, 137(2), 118(1), 351(2), 351(3) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 6, 8, 12, 42 of the Protection of Children from Sexual Offences Act on his furnishing P.R. Bond of Rs. 25,000/- with one 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 concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(v) The applicant/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 entails the State to ask for cancellation of bail.

(vi) Fees of the appointed counsel be quantified and paid as per Rules.

7. The observation of this Court are prima facie in nature and are only limited to this application. The Trial Court shall not be influenced by the aforesaid observation.

(M. M. NERLIKAR, J.)