



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

CRIMINAL APPLICATION [BA] NO. 112 OF 2026.

Sandip Ganesh Rakhonde.

-VERSUS-

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 S.V. Sirpurkar, Advocate for the Applicant.

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

Ms S. Shahakar, Advocate (Appointed) for Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 20, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.567/2025 registered with Shegaon Police Station, District Buldhana for the offence punishable under Sections 3[5], 64[1], 64[2][m] and 69 of the Bhartiya Nyaya Sanhita (BNS), 2023. Charge sheet in the matter is filed and Section 351[2] of BNS came to be added.

3. The first information report in the matter is lodged by the victim alleging that on 03.05.2025 the applicant had

called her on the pretext of his birthday and taken her to a guest house, where he established sexual relations for 4-5 times. The said sexual act was repeated by the applicant on 05.05.2025, 06.05.2025, 07.05.2025. On 30.05.2025 the victim came to know that she is pregnant. The victim was married to some other person and when her pregnancy came to her husband's knowledge, her husband gave her divorce. When the victim tried contacting the applicant as to ask him to marry her, he did not reply. Thereafter the first information report came to be lodged against the applicant.

4. The learned Counsel submits that the allegations against the applicant is that he has committed rape on the victim, who is aged about 28 years. The offence was registered only after the fact of pregnancy came to the knowledge of her husband, which led to their divorce, as the victim had married with him only 3 months before, and it was found that she was carrying pregnancy of 4 months. The learned Counsel further submits that it is a consensual relationship which lasted for 7-8 years. According to the applicant, considering the age of the victim, the allegations attributed cannot fall under Sections 64

and 69 of the BNS, and therefore, the applicant be released on bail, as he is in jail since 01.11.2025.

5. The learned A.P.P. and learned Counsel appearing for non-applicants submits that rape was committed by the applicant under false promise of marriage. The victim realized she was 4 months pregnant, but, the applicant did not respond. Her husband also divorced her and therefore, considering the seriousness of the offence, the applicant may not be released on bail.

6. I have heard the rival submissions. Admittedly it appears that the victim had married another person three months prior to lodging of the report, however, when it was noticed that victim was carrying pregnancy of 4 months, said husband divorced her, and thereafter, the first information report is lodged alleging that the applicant has committed rape on her. Considering the fact that the victim is 28 years of age and the fact that the relationship continued for 7-8 years, I am inclined to grant bail to the applicant. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Sandip Ganesh Rakhonde be released on regular bail in connection with Crime No.567/2025 registered with Shegaon Police Station, District Buldhana for the offence punishable under Sections 3[5], 64[1], 64[2][m], 69 and 351[2] of the Bhartiya Nyaya Sanhita (BNS), 2023 on his furnishing P.R. Bond of Rs.50,000/- with two sureties in the like amount.
- (iii) The accused shall not enter within the territorial jurisdiction where the informant is residing, till the completion of the trial.
- (iv) 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.
- (v) 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.
- (vi) 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.

- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.
- (ix) Fees of the appointed Counsel be quantified and paid as per Rules.

JUDGE

-