

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

CRIMINAL APPLICATION NO. 261 OF 2026

Aniket s/o Kailash Bhujade

..vs..

State of Maharashtra and anr.

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

Court's or Judge's orders

Shri A.N. Rangari, Advocate for the applicant.

Shri A.R. Chutke, APP for the State.

Ms Astha Sharma, Advocate for non-applicant no.2 (appointed.)

CORAM: M.M. NERLIKAR, J.

DATE : 18.03.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No. 73 of 2026 registered with Gondia Gramin Police Station for the offence punishable under Sections 64(2)(m), 65(1), 78(2), 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 6 and 12 of the Protection of Children From Sexual Offences (POCSO) Act, 2012.

3. The FIR was lodged by the victim girl on 31.01.2026 alleging rape by the present applicant on many occasion by giving threats.

4. Learned Counsel for the applicant submits that the father of the applicant is the landlord and the family of the victim is the tenant. Due to dispute in respect of rent, false FIR came to be lodged. The applicant is a student studying 150 kilometers away from Gondia district. It is also submitted that in the entire FIR, no details as regards to dates and time are mentioned on

which the applicant has committed rape on the victim. An inference can be drawn that if the victim would have stated the dates, then the entire FIR could have been said to be concocted as the applicant was attending the college during that period. In the FIR vague period has been mentioned from April 2025 to December 2025 and therefore, considering the nature of allegation and the fact that the investigation is almost complete and applicant is behind bars since 02.02.2026, he may be enlarged on bail.

5. Learned APP appearing for the State and learned appointed Counsel appearing for non-applicant no.2 vehemently oppose the application on the ground that the victim was of 13 years and 10 month of age at the time of incident. There are serious allegation of rape against the applicant on the minor. Even if it is presumed from the allegation that the victim was consenting party however in the eyes of law the consent of minor is no consent. Also the medical report supports the allegations made by the victim. As the investigation is yet to be completed, the application prayed to be rejected.

6. I have considered the rival submissions and perused the record. *Prima facie* it appears that there are allegations of rape against the applicant on the minor against the applicant. The victim was 13 years and 10 months of age at the time of incident. It appears that the family of the victim is the tenant of the applicant and there was some dispute in between them on account of rent. The applicant is in jail since 02.02.2026 and the investigation is almost complete. However, one fact is

necessary to be considered is that the applicant is a student and college going boy and his examinations are in the near future. Therefore, in order to save his career, I am inclined to enlarge the applicant on bail on certain terms and conditions. Hence, the following order

- (a) The application is allowed.
 - (b) The applicant Aniket s/o Kailash Bhujade in connection with Crime No. 73 of 2026 registered with Gondia Gramin Police Station be released on bail on furnishing P.R. bond of Rs.50,000/- with one or two sureties in the like amount.
 - (c) The applicant 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.
 - (d) 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.
 - (e) 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.
7. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .
8. All Misc. application(s), pending if any, shall stands disposed of accordingly.

9. Fees of the appointed Counsel be quantified as per rules.

(M.M. NERLIKAR, J.)

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