

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

CRIMINAL APPLICATION NO.265 OF 2026

Suraj Madhukar Marbate

..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.G. Hunge, Advocate for the applicant.

Mrs. M.H. Deshmukh, APP for the State.

Ms Gulafshan Ansari, Advocate for non-applicant no.2.
 (appointed.)

CORAM: M.M. NERLIKAR, J.

DATE : 01.04.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.274 of 2025 registered with the Mouda Police Station Nagpur Rural for the offence punishable under Sections 64(2)(m), 304(2), 308(4), 351(2) of the Bharatiya Nyaya Sanhita and under Section 66(E) of the Information Technology Act.

3. The FIR came to be registered against the applicant alleging that on several occasions and at various places the applicant has sexually abused the victim by giving threats of making her obscene photographs and videos viral.

4. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the crime as the victim was of 29 years of age at the time of incident. It is submitted that when the victim consumed the poison, on 29.03.2025 a statement was recorded by the

police officials, wherein there is no whisper of commission of rape by the applicant. Thereafter on 09.04.2025 she gave a statement wherein she alleged rape at the hands of the applicant by giving threats of making her obscene photographs and videos viral. It is submitted that there was enmity between the husband of the victim and the present applicant due to giving of dash to the victim's husband's vehicle due to which the victim and her husband and their family fell down. It is submitted that even if the allegations are taken as it is, it cannot be said that it is a case of rape. On the contrary, the victim has narrated that on several dates and places the applicant had sexual intercourse with her. This itself demonstrates that the victim was the consenting party and when the husband of the victim saw them in a compromising position, the victim lodged a report against the applicant alleging rape and therefore, as the applicant is in jail since 09.04.2025, he prayed to be enlarged on bail.

5. On the other hand, learned APP appearing for the State and learned appointed Counsel vehemently opposed the application on the ground that on the pretext of making the obscene photographs of her viral, the applicant committed rape on the victim on several occasions as there was no option left with the victim but to surrender herself to the applicant. Not only that the victim paid Rs.40,000/- in total time to time to the applicant and also the gold ornaments belonging to the victim were seized by the Investigating Officer. And therefore, it cannot be said that the victim was a consenting party. They also invited my attention to the

earlier sessions case, wherein there were allegations against the applicant under Sections 363, 366A, 376(2)(n) of the Indian Penal Code and Section 4 of the POCSO ACT. Considering all these facts, the application for bail is prayed to be rejected.

6. I have considered the rival submissions, perused the record and the statement of the victim dated 29.03.2025, which was recorded by the police officials when the victim consumed poison. In this statement the victim has nowhere stated anything about the alleged incident of rape. Not only that she has not named applicant, on the contrary she says 'she consumed the poison inadvertently and no one is responsible'. First time on 09.04.2025, she disclosed that the applicant had committed rape on her by giving threats of making her obscene photographs viral and therefore, she consumed poisonous insecticide. The husband of the victim had taken her to the hospital. The victim is major and married. The allegations of rape and consumption of poison is of the same date. However, statement recorded of victim on 29.03.2025 does not disclose factum of rape. It also appears that, earlier crime registered against the applicant for the alleged offence under Sections 363, 366A, 376(2)(n) of the IPC and Section 4 of the POCSO Act, he was acquitted by the Sessions Court on 16.07.2022. Considering the nature of allegations and facts and circumstances of the case, and also that the applicant is behind bars since 09.04.2025, 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 Suraj Madhukar Marbate in connection with Crime No.274 of 2025 registered with the Mouda Police Station Nagpur Rural be released on bail on furnishing P.R. bond of Rs.50,000/- with one surety 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 applicant shall not enter into the vicinity of village Parsodi, Taluka Kamptee, District Nagpur.
- (e) The applicant 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.
- (f) The applicant shall not commit any similar type of offence.
- (g) The applicant 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.

8. The observations are *prima facie* in nature and

the Trial Court shall not be influenced by the same .

9. All Misc. application(s), pending if any, shall stands disposed of accordingly.

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

(M.M. NERLIKAR, J.)

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