

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

CRIMINAL APPLICATION NO.394 OF 2026

Raju Laxman Jahirav

..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 D.S. Sirpurkar, Advocate for the applicant.

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

Ms Alpana Ingolikar, Advocate for non-applicant no.2
 (appointed)

CORAM: M.M. NERLIKAR, J.

DATE : 15.04.2026.

Heard.

2. By way of this application the applicant is seeking bail in connection with Crime No.491 of 2025 registered with Shirpur Police Station, District Washim for the offences punishable under Section 64(2)(i) of the Bharatiya Nyaya Sanhita (BNS) 2023, Sections 4, 6 and 8 of the Protection of Children From Sexual Offences (POCSO) Act, 2012.

3. The FIR came to be lodged by the mother of the victim girl alleging that on 26.10.2025 the applicant took the daughter of the informant forcefully inside his house and committed rape on her, who was 9 years and 10 months old at the time of incident.

4. Learned Counsel for the applicant submits that the allegations made against the applicant are of an afterthought as he had already registered the FIR which is prior in time against the family of the prosecutrix alleging that when the victim who was 9 years and 10

months of age at the time of incident insisted the applicant to pluck almond from the tree while doing so he fell down and hit the leg of the victim. And therefore, when this fact was told by the victim to her parents, quarrel took place and family members of the victim allegedly had assaulted the applicant, and accordingly, he lodged FIR at Shirpur Police Station. It is also submitted that though there are allegations of rape however there is no medical report to that effect. Whereas the injury certificate of the applicant would demonstrate that he was brutally assaulted by the family members of the victim and therefore, as the present FIR is a counter blast to the FIR lodged by the applicant he may be enlarged on bail.

5. On the other hand learned APP and learned appointed counsel appearing for the victim vehemently opposes the application and the appointed counsel submitted reply across the bar, which is taken on record. It is submitted that the registration of FIR being prior in time is not sufficient to ignore the fact that he raped a minor girl. The act of assault by the family members of the victim girl to the applicant is itself sufficient to show that the applicant had done something seriously wrong with the victim minor girl. He further invited my attention to the statement of the victim and medical examination report of the victim. The victim is 9 years and 10 months of age whereas the applicant is 36 years of age. Considering all these aspect, he may not be enlarged on bail.

6. I have considered the rival submissions and

perused the record and medical examination reports. The statement of the victim specifically discloses that the applicant has taken the minor to his house under the pretext of giving almond from the tree, he closed the door, removed her clothes and raped her. He also applied his private part all over her face. I have also gone through the medical examination report of the victim, wherein the provisional opinion is suggestive of Anal penetration as anal tenderness and redness was present over epithelia junction on left side. It appears from the record that victim was 9 years and 10 months of age at the time of incident. So far as the offence registered by the applicant is concerned it suggests that something happened between the applicant and the family members of victim, however it is to be borne in mind that no family would take a risk of making such allegations concerning their daughter. Under such circumstances, I am not inclined to enlarge the applicant on bail. Hence the application stands rejected.

7. Fees of the appointed Counsel be paid as per rules.

(M.M. NERLIKAR, J.)

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