



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

CRIMINAL APPLICATION [BA] NO.429 OF 2026.

Vicki Gajanan Maraskolhe.

-VERSUS-

The 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.M. Rakshit, Advocate for the Applicant.
Shri A. Mate, A.P.P. for Non-applicant No.1/State.
Shri N.T. Gwalwanshi, Advocate for Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 22, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.452/2025 registered with Hudkeshwar Police Station, Nagpur City for the offence punishable under Section 137[2] of the Bharatiya Nyaya Sanhita, 2023 (BNS). Charge sheet came to be filed and Sections 64[2][M], 70, 115[2], 351[2], 352, 238 of the BNS, Sections 4, 6 and 17 of the Protection of Children from Sexual Offences Act (POCSO)

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and Sections 4, 5 and 8 of Prevention of Immoral Trafficking Act, 1956 came to be added.

3. The first information report in the matter is lodged by one Sanjiv Rohankar, that on 15.07.2025 his elder daughter [victim] left the house stating that she is going to medical shop for buying medicine, however, she did not return. A report was lodged apprehending that some unknown person has kidnapped her. During the course of investigation the victim was found at Yavatmal and she stated that the accused person have committed gang rape on her.

4. The learned Counsel for the applicant submits that the applicant is not involved in the crime. In the incident dated 17.07.2025, name of one Vicki Mate appears. Along with said Vicki Mate, Vicki Mate's second brother and one another person was also referred who was working in the agricultural field. The allegations are, all these persons have committed gang rape on the victim. The learned Counsel submits that there is no material in the entire charge sheet to support that the applicant is the person who is alleged to be second brother of Vicki Mate. Even the applicant is not the

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person who was shown as a person working in the agricultural field. The entire charge sheet is silent about name of the present applicant. There is no document on record to show that the applicant is the second brother of Vicki Mate, who accompanied him on 17.07.2025 and committed rape on the victim. It is further submitted that there was no test identification parade conducted by the investigating agency to identify that the applicant is the same person, who is alleged to be the brother of Vicki Mate. According to the applicant, in such circumstances, the applicant has been falsely implicated in the crime.

5. It is submitted that this Court has already refused to grant bail to Baban @ Sahil Ramnaresh Yadav and Akshay Shankar Thakre, since their names appear in the statement of the victim, however, neither the test identification parade was conducted, nor there is any other evidence to show that the applicant is the same person who has committed the offence on 17.07.2025 along with other accused. In such circumstances, considering the fact that no role is attributed to the applicant, he deserves to be released on bail.

6. On the other hand, the learned A.P.P. appearing for the State and learned Counsel appearing for non-applicant no.2/victim vehemently oppose the application and submit that this Court has already considered bail applications of two co-accused in the same crime i.e. of Baban @ Sahil Ramnaresh Yadav and Akshay Shankar Thakre. This Court has scanned the entire material while considering those applications, and when this Court expressed its disinclination to grant bail, the applicants therein withdrew their applications. They submit that merely because no test identification parade was conducted, that by itself is not sufficient, however, the applicant has played a specific role as second brother of Vicki Mate. All the accused named in the incident dated 17.07.2025 have ravished the victim, and subjected her to gang rape. They further submit that statement of victim itself is sufficient to implicate the applicant in such a serious offence, and therefore, according to them, the applicant does not deserve to be released on bail.

7. I have considered the rival contentions of the parties. No doubt this Court by its order dated 02.04.2026 in

Criminal Application Nos. 323 and 310 of 2026 declined to grant bail to the co-accused Baban @ Sahil Ramnaresh Yadav and Akshay Shankar Thakre, and accordingly they withdrew their applications. At this juncture, it would be necessary to mention that their names surfaced in the statement of the victim and they have actively participated in committing the offence. So far as the present applicant is concerned, his identity is not established and his name also does not surface, though it is alleged that the present applicant is second brother of Vicki Mate, who along with other have committed the offence of rape. But, it is not clear from the entire charge sheet that the applicant is the same person who has committed the offence. There is no documentary evidence to show that the applicant is brother of Vicki Mate, and further admittedly no test identification parade was conducted. Both the learned Counsel appearing for the non-applicants concede to the position that there was no test identification parade conducted and there is no documentary evidence to show that the applicant is the second brother of Vicki Mate. In such circumstances, it leaves doubt whether the present applicant is

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the same person or not, and to that effect there is no material on record. In such background, though there are serious allegations, however, considering the nature of investigation, it is not clear that the present applicant is the second brother of Vicki Mate. Therefore, 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 Vicki Gajanan Maraskolhe be released on regular bail in connection with Crime No.452/2025 registered with Hudkeshwar Police Station, Nagpur City for the offence punishable under Sections 137[2] 64[2][M], 70, 115[2], 351[2], 352, 238 of the Bharatiya Nyaya Sanhita, 2023 (BNS), Sections 4, 6 and 17 of the Protection of Children from Sexual Offences Act (POCSO) and Sections 4, 5 and 8 of Prevention of Immoral Trafficking Act, 1956 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 one single date, 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 influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE