



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

CRIMINAL APPLICATION NO.467 OF 2026

Badal Bhaskar Walke

..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 V.V. Dahiwale, Advocate for the applicant.

Ms. T.H. Udeshi, APP for the State.

Mr Md. Amin Ayyub, Advocate for non-applicant
no.2(appointed.) absent.

CORAM: M.M. NERLIKAR, J.

DATE : 22.04.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.91 of 2024 registered with the Armori Police Station, District Gadchiroli for the offence punishable under Sections 366A, 376(3), 376(2)(n) read with Section 34 of the Indian Penal Code, Section 4, 6 and 8 of the Protection of Children From Sexual Offences (POCSO) Act, 2012.

3. The FIR came to be lodged by the victim girl alleging gang rape on her on multiple occasions.

4. Learned Counsel for the applicant submits that though the FIR is lodged by the victim girl alleging gang rape however there is no mention of the name of the applicant in the entire FIR. Only the name of applicant's cousin sister is appearing who has allegedly induced the victim to establish sexual intercourse with the applicant along with other boys, however she has been released on bail by this Court.

5. It is further submitted that after registration of FIR on 27.03.2024, a supplementary statement was recorded after one month, wherein she has taken name of the applicant stating that the applicant was having a love affair with her and has sexual intercourse on multiple occasions. Thereafter, the applicant has asked the victim to establish sexual intercourse with his friends, to which she has consented and for which she was paid. These allegations do not inspire confidence as she has changed her version from time to time and therefore, in identical situation this Court has released one of the accused namely Sahil Lade on bail. And therefore, the applicant prayed to be enlarged on bail.

6. Though the Counsel is appointed to represent the victim however, he is absent. Learned APP appearing for the State vehemently opposed the application on the ground that the victim girl was 14 years and 9 months of age at the time of incident and was not have understanding about the nature of the act which was committed by the applicant and his friends. So far as the supplementary statement and the statement recorded under Section 164 is concerned the same corroborates with each other and therefore, considering a heinous offence of gang rape is committed on the victim minor girl, the application deserves to be rejected. Learned APP also states that the mother of the victim girl is present in the court and she does not have any objection if the applicant is released on bail.

7. I have considered the rival submissions and perused the record. Admittedly, applicant's name is not

mentioned in the entire FIR and there is no allegation against the applicant in the FIR. The allegations are only against Neha Walke, who has been released on bail by this Court. Only in the supplementary statement which was recorded on 25.04.2024 the victim has stated that the applicant was having love affair with her and on multiple occasions the applicant has committed rape on her. Also the applicant introduced the victim to his other friends who also committed rape on the victim on several occasions and they paid her for establishing sexual relations. In her statement recorded by the Magistrate, her version is somewhat consistent. The fact remains that in the entire FIR neither the name of the applicant is appearing nor any allegations are there against him. Also co-accused Neha Walke and Sahil Lade have been released on bail by this Court. Considering all the facts and circumstances of the case and as the investigation is complete, charge-sheet is filed and the applicant is behind bars from 08.05.2024, 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/accused Badal Bhaskar Walke in connection with Crime No.91 of 2024 registered with the Armori Police Station, District Gadchiroli be released on bail on furnishing P.R. bond of Rs.50,000/- with one surety in the like amount.
- (c) 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.

(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 applicant/accused shall not directly or indirectly made any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

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.

(M.M. NERLIKAR, J.)

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