



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

CRIMINAL APPLICATION [B.A.] NO. 471 OF 2026

Rahul S/o. Sandip Malviya

-- VERSUS --

State of Maharashtra and Another

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

Court's or Judge's orders.

Mr. D.U. Thakare, Advocate a/w. Mr. L.B. Thawkar, Advocate
for the Applicant.

Mr. A.R. Chutke, A.P.P. for the Non-applicant No.1/State.

Ms. Jagruti S. Kurwe, Advocate (appointed) for the Non-
applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 23, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.29/2025 for the offences punishable under Section 75 of the Bharatiya Nyaya Sanhita, 2023 (BNS), Sections 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015, registered with Police Station Imamwada, District Nagpur.

3. The First Information Report indicates that the minor children of the informant's brother, who were residing with their mother and stepfather,

approached the informant on 20/01/2025 and expressed their unwillingness to continue residing with them. It is alleged that the stepfather, Rahul Malviya, used to inappropriately touch and physically assault them. Based on these allegations, F.I.R. was lodged.

4. The learned counsel for the applicant submits that, the allegations against the applicant is that he is the step-father of the victims. It is alleged that the applicant used to touch their private part and chest, however, he submits that, the applicant is in jail since 27/01/2025. He further submits that the maximum punishment provided for the offences with which the applicant is charged ranges between three to five years, and therefore, he submits that considering the fact that the applicant is behind bars since more than one year and three months, he be released on bail.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that the applicant is the step-father who has committed this heinous offence. He further submits that he has lost the trust of the victims, in fact, he ought to have acted as a good father, however, considering his conduct and the said act, he is not entitled for bail. The learned A.P.P. further submits that perusal of the statement of the victim will demonstrate that the

applicant is in a dominant position over the victims, and therefore, merely the punishment being provided is up to five years, that by itself, is not sufficient, it is necessary to see the conduct and allegations against the applicant, and therefore, prayed to reject the application.

6. I have considered the rival submissions. It appears that the aunt of the victims, who is the informant, had registered the crime after disclosure by the victims. It further appears on perusal of the statement of the victim that the applicant has touched private part and chest of the victims, who are minors (aged about 11 and 13 years respectively). No doubt, the applicant has committed heinous and serious offence, however, the fact remains that, the maximum punishment provided for the alleged offences is five years. The applicant is already behind bars since 1 year and 3 months, and further one does not know when the trial will conclude, under such circumstances, I am inclined to grant bail by imposing stringent conditions. Hence, the following order:-

ORDER

- (i) The Criminal Application is **allowed;**
- (ii) The applicant/accused (Rahul S/o Sandip Malviya) be released on regular bail in

connection with Crime No.29/2025 for the offences punishable under Section 75 of the Bharatiya Nyaya Sanhita, 2023 (BNS), Sections 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015, registered with Police Station Imamwada, District Nagpur, on his furnishing a P.R. bond of Rs.50,000/- (Fifty Thousand Rupees) with two solvent sureties in the like amount;

(iii) The applicant shall reside at Nagpur and in no way enter into the vicinity where the victims are residing;

(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 two consecutive dates, or fails to comply with the aforesaid conditions, his

default would entail the State to ask for cancellation of bail or even trial Court can *suo moto* take cognizance of this and cancel the bail;

(vii) Fees of the appointed counsel be quantified and paid as per rules;

(viii) Pending Misc. Application(s), if any, also stand disposed of.

[M.M. NERLIKAR, J]