



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

CRIMINAL APPLICATION [ABA] NO. 21 OF 2026

ABHIJIT S/o PRABHAKARRAO KUDE

VERSUS

STATE OF MAH, THRU. P.S.O., P.S., WARORA, DIST. CHANDRAPUR AND ANOTHER.

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mr. S. B. Hemke, Advocate for the applicant
Mrs. S. V. Kolhe, A.P.P. for the non-applicant no.1 /State.
Mr. Syed Salman Ali, Advocate for non-applicant no.2/victim

CORAM : M. W. CHANDWANI, J.

DATE : MARCH 05, 2026.

1. Heard the learned counsel appearing for the applicant, learned A.P.P. for non-applicant no.1/State and learned counsel for non-applicant no.2/victim. Perused the case diary.
2. The applicant is apprehending arrest in connection with Crime No. 678/2025 registered with Police Station, Warora, Dist Chandrapur for the offences punishable under Sections 64(2)(m), 74, 351(2) of the Bharatiya Nyaya Sanhita, 2023.
3. The victim/non-applicant no.2 is a married woman, aged about 23 years. She lodged a report against the applicant alleging that on 11.09.2025 and 08.10.2025, he committed rape on her at a lodge in Hinganghat and in an agriculture field. It is also alleged that on 24.09.2025, the applicant tried to kiss her with an intention to outrage her modesty.

4. Perusal of the case diary reveals that the applicant and non-applicant no.2 got acquainted with each other through Facebook. There was an exchange of messages between them. The applicant obtained the mobile number of non-applicant no.2. According to the report, non-applicant no.2 is a resident of Warora, Dist. Chandrapur. The alleged commission of rape on 11.09.2025 and 08.10.2025 by the applicant is at a lodge in Hinganghat. It shows that she went all the way to Hinganghat from Warora. On 24.09.2025, the applicant allegedly asked non-applicant no.2 to accompany him from Durga Temple to a nearby agriculture field.

5. *Prima facie*, it appears that non-applicant no.2 cooperated with the applicant without any fuss. She even did not inform about any of these incidents to her husband for considerable period. She is major and married woman. Therefore, the possibility of the sexual relationship being consensual cannot be ruled out at this stage. As such, I do not find any force in the arguments of the learned APP assisted by the learned counsel for the victim that rape was committed under threat.

6. During pendency of the application, the applicant was protected by the ad-interim order of this Court dated 13.01.2026. The applicant appeared before the Investigating Officer and cooperated in the investigation. In view of the above, a case is made out for confirmation of the ad-interim protection granted to the applicant.

7. Accordingly, the criminal application is allowed.

8. The order passed by this Court dated 13.01.2026 granting ad-interim protection to the applicant is hereby confirmed on the same terms and conditions, except condition No. (ii).
9. The applicant shall attend the concerned police station as and when called by the Investigating Officer.
10. The application stands disposed of.

(M.W.Chandwani, J.)

Diwale