



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

CRIMINAL APPLICATION [ABA] NO.207 OF 2026

[Akshay s/o Moreshwar Jumna .vs. State of Maharashtra and one]

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

Court's or Judge's orders

Mr. A.M. Jaltare, Advocate for Applicant.
Mr. H.D. Marathe, APP for Respondent No.1/State.
Ms. Garima S. Jain, Advocate (Appointed) for Respondent No.2/Victim.
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CORAM : PRAVIN S. PATIL, J.

DATE : 15-06-2026.

1. Heard.
2. By this application, the applicant is seeking the anticipatory bail in connection with Crime No.381/2024 registered at Police Station, Pusad City, District-Yavatmal for the offences punishable under Sections 376, 354, 354-A, 342 and 506 of the Indian Penal Code.
3. In the complaint lodged by the informant, the allegation against the present applicant is that there is a dispute in the family of informant and applicant. On the day of the incident i.e. 9.6.2024 at around 2.00 PM to 3.00 PM, when she was approaching to the shop, she was called by the applicant at his house. The applicant then asked her to seat till he completed his lunch. At that time, one lady who has prepared the food was present in house. After the said lady left the house, the applicant has called the complainant at his bedroom and suddenly grabbed her waist and touched her body. It is alleged that in the room songs on speaker was played and, therefore, the scream of the complainant went unheard. The complainant, therefore, went in

bathroom and locked herself inside. After that, her brother came there and she was released from the house. On the basis of this complaint, the offence is registered against the applicant.

4. At the outset, the applicant has pointed out to this court that this court by the order dated 17.3.2026 by observing in Para 5 and 6, which reproduced as under, has granted the bail :

“5. The contention is that, there are allegations that the applicant committed rape on the victim thrice on 9.6.2024 in the house of the applicant. However, according to the applicant, the victim was in love with the applicant but he showed his disinterest and therefore, he has been falsely implicated in the present crime out of revenge. The said fact has also been observed by the learned Sessions Court while rejecting the anticipatory bail application of the applicant.

6. It appears that initially, in the First Information Report filed on 9.6.2024, the victim has alleged about outraging her modesty but in her supplementary statement recorded on 10.6.2024, she has stated about forcible sexual intercourse three times at the relevant time by the applicant. Prima facie, there appears to be inconsistency in the statement of the victim. Therefore, the possibility of false implication cannot be ruled out at this stage.”

5. This court while granting ad-interim protection specifically directed the applicant to attend the Police Station twice a week for a period of three weeks and cooperate the investigation. Accordingly, the applicant pointed out that he has attended the Police Station and during this period his medical has also been done during the investigation. As such, considering this fact, his custody is not at all required in the matter.

6. It is also pointed out by the applicant that charge-sheet is also filed in the matter and same is placed on record by way of pursis dated 13.3.2026.

7. It is the submission of the applicant that now the investigation is completed and he has cooperated in the investigation and, therefore, at present his custody is not at all required in the matter.

8. The learned counsel appearing for the victim has strongly opposed the application stating that the application itself is not tenable as the applicant has not pointed out the correct factual position to this court. According to her, this court on 26.11.2024 by considering all the documents available on record, has rejected the bail and, therefore, the second bail application is not tenable in the matter.

9. The learned APP has also opposed the application by stating that considering the allegations levelled against the present applicant he is not entitled for the bail.

10. In the present matter, from the statement of victim dated 9.6.2024 and 10.6.2024 the discrepancy is apparent on the fact of record. So also applicant has cooperated in the investigation and there is no violation of any of the conditions imposed by this court and most importantly now the chargesheet is filed in the matter.

11. In the circumstances, considering the fact that the chargesheet is already filed on 19.9.2025 and the applicant has cooperated in the investigation during the pendency of the present application, in my opinion, at present his custody is not at all required in the matter. Accordingly the following order is passed :

ORDER

(i) In the event of arrest in connection with Crime No.0381/2024 registered with Police Station, Pusad City, District-Yavatmal for the offences punishable under Sections 376, 354, 354-A, 342, 506 of the Indian Penal Code, the Applicant-Akshay s/o Moreshwar Jumna be released on anticipatory bail on executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.

(ii) The applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number (s), to the investigating officer and the court concerned, and shall not change the same till the final disposal of the case.

(iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or any Police Officer.

(iv) The applicant shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the investigating officer.

(v) In case of breach of any conditions, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

12. Fees of the learned appointed counsel appearing for respondent no.2-victim be quantified as per the rules.

13. The application stands disposed of.

(PRAVIN S. PATIL, J.)