



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

CRIMINAL APPLICATION (ABA) NO.234 OF 2026

Anil s/o Hiranman Bhoyar Vs. State of Maharashtra

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

Court's or Judge's orders.

Shri A.M. Chandekar, Advocate for applicant.
Shri A.M. Ghogare, APP for respondent/State.
Shri A.M. Ghare, Advocate for complainant/assist to prosecution.

CORAM : RAJNISH R. VYAS, J.

DATE : 15.04.2026.

APPP No.1186/2026

1. The informant is permitted to assist the prosecution.
Accordingly, the application stands disposed of.

ABA 234/2026

2. Apprehending arrest in connection with Crime No.168/2026 registered with Police Station, Ramtek, Nagpur for the offences punishable under Sections 376 and 506 of the Indian Penal Code (for short, "IPC"), the applicant/sole accused has approached this Court.

3. Learned counsel for the applicant has contended that the victim of the crime was 36 years old at the relevant time and was holding the post of Cashier with the Agriculture Produce Market Committee, Tumsar; whereas, the present applicant was occupying the post of Joint Secretary. He contended that

the incident subject matter of Crime No.168/2026 is dated 14.09.2022. He then argued that there is delay in lodging the First Information Report. According to him, prior to lodgment of Crime No.168/2026 dated 13.02.2026 the informant had also lodged a First Information Report which is Crime No.107/2026 dated 06.02.2026 in which she did not narrate the incident dated 14.09.2022. According to him, applicant is falsely implicated in the crime.

4. *Per contra*, the learned APP has contended that though there is a delay in lodging the First Information Report, but same has been sufficiently explained by the prosecutrix in the First Information Report. He submitted that the investigation is at initial stage and custodial interrogation of the applicant is required.

5. The learned counsel for the informant has contended that the informant was a subordinate employee to the applicant and it is a case of exploitation by the superior officer.

6. With the assistance of the respective counsels, I have gone through the papers which are produced by the learned APP. I have also given thoughtful consideration to the arguments advanced.

7. It is not in dispute that initially the First Information Report dated 06.02.2026 bearing Crime No.107/2026 was

registered by the informant against the present applicant on the basis of which offence under Section 75(2) of the Bhartiya Nyaya Sanhita, 2023 was registered against the present applicant. It is also not disputed that in Crime No.107/2026, the incident which is subject matter of the present Crime i.e. Crime No.168/2026 was not narrated. In Crime No.107/2026, the applicant was already released on bail by the learned Additional Sessions Judge, Bhandara on 24.02.2026.

8. Coming to the present First Information Report, it is alleged that on 14.09.2022 the applicant has initially called the informant and asked her to come to Nagpur with the office records. The informant then received another telephone call and she was told that, instead of Nagpur she should come to Ramtek. The informant then reached Ramtek at 12.00 O'clock at which place the applicant arrived after half an hour. The applicant then informed her that he had some relatives where they can go and visit. Thereafter, again instead of going to relative's place, the informant was told that they would go to a lodge owned by the applicant's friend. The informant and the applicant went in the car of the applicant to the lodge at about 3 to 4 O'clock in the afternoon. When the informant was getting fresh, the applicant at that time subjected her to forcible sexual intercourse. It is this incident dated 14.09.2022 which triggered the registration of the First Information Report dated 13.02.2026. The pertinent fact is that there is delay of

four years in lodging the First Information Report. The fact also remains that in earlier the First Information Report i.e. Crime No.107/2026, the incident dated 14.09.2022 was not narrated.

9. Though a delay in lodging the First Information Report in all cases will not go to the root of the matter, but at this stage, it can be said that the applicant has made out a prima facie case in his favour. Since, the offence was committed on 14.09.2022, whereas report was lodged on 13.02.2026 and the record from the lodge where the applicant and informant stayed, is already seized, I do not find that any custodial interrogation of the applicant is required. Since, the applicant has made out a prima facie, case the following order is passed:

ORDER

(i) The application is allowed and disposed of.

(ii) In the event of arrest in connection with Crime No.168/2026 registered with Police Station, Ramtek, Nagpur, for the offences punishable under Sections 376 and 506 of the Indian Penal Code, applicant – **Anil s/o Hiranman Bhoyar** shall be released on bail on furnishing a PR bond of ₹50,000/- [Rupees Fifty Thousand only] with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned Police Station on 25th and 26th April 2026 between 03.00 pm to 06.00 pm and thereafter, as when called by the investigating officer, till filing of the charge-sheet.

(iv) The applicant shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses directly or indirectly.

(v) The applicant shall not leave India without prior permission of this Court.

(Rajnish R. Vyas, J.)

Wagh