



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

CRIMINAL APPLICATION [ABA] NO.301 OF 2026

[Vimal w/o Sheshrao Pakhale .vs. The State of Maharashtra, Through P.S.O. Police Station, Malegaon, Tq. Malegaon, District-Washim]

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

Court's or Judge's orders

Mr. R.S. Kurekar, Advocate for Applicant.
Ms. D.V. Sapkal, APP for Non-Applicant.

CORAM : RAJNISH R. VYAS, J.

DATE : APRIL 17, 2026.

1. Heard.
2. Apprehending arrest the applicant has approached this court. The first information report was registered on 26.2.2026 with Malegaon Police Station, District-Washim, for the offences punishable under Sections 64, 74, 296, 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 on the basis of the complaint lodged by the complainant.
3. The learned counsel for the applicant has contended that there was a delay in lodging the first information report since the incident in question took place on 24.2.2026 and report was lodged on 26.2.2026. According to him, the informant and the applicant are the relatives residing in adjacent houses. Accused no.1 is the husband of the present applicant. It is alleged in the first information report that on 23.2.2026 when informant was alone at the house, the present applicant at about 11.00 pm abused in filthy language and threatened her that she would ask accused no.1 to commit rape on the informant. It is further alleged in the first information report that on 24.2.2026 at about 4.30 am, when the informant woke up, the applicant started abusing her. The applicant then instigated the accused no.1/her

husband to commit rape on the informant. Thereafter, both the accused entered the house of the informant and accused no.1 committed forcible intercourse on the informant. The present applicant, at the relevant time, caught hold of the hands and legs of the informant. It is this incident that triggered the criminal law and consequent registration of the first information report.

4. The learned counsel for the applicant has contended that the allegations made in the first information report would prima facie show that the story is exaggerated. He submitted that there was a domestic dispute between the parties and, ultimately the first information report came to be lodged with deliberation.

5. Per contra, the learned APP has opposed the application contending that the allegations made against the applicant are serious and the version advanced in the first information report is supported by the medical evidence.

6. With the assistance of the respective counsels, I have gone through the first information report. The offence in question was committed on 24.2.2026 and the first information report was registered on 26.2.2026. Prima facie, there is no explanation for the delay in lodging the first information report. The fact cannot be ignored that the applicant is a relative of informant and the delay in lodging the report has not been properly explained. At this stage, till filing of the reply, the liberty of the applicant, who is a lady having no criminal antecedents, is required to be protected and, therefore, the following order is passed :

ORDER

(i) In the event of arrest in connection with Crime No.0191/2026 registered with Malegaon Police Station, District-Washim, for the offences punishable under Sections 64, 74, 296, 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant be released on ad-interim anticipatory bail on furnishing a P.R. Bond of

Rs.25,000/- (Rs. Twenty Five Thousand only) with one solvent surety in the like amount.

(ii) The applicant shall attend the concerned Police Station on 19.04.2026, between 12.00 noon to 2.00 pm.

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

(iv) The applicants shall not leave India without prior permission of this court.

(v) Issue notice to the non-applicant, returnable on 5.5.2026.

(vi) The learned APP waives service of notice for the non-applicant and seeks time to file a reply.

Stand over to **5.5.2026**.

(RAJNISH R. VYAS, J.)