



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

Shri R.S.Kurekar, Advocate for applicant.

Ms D.V. Sapkal, AGP / APP for respondent/State.

CORAM : RAJNISH R. VYAS, J.

DATE : 07.05.2026.

1. Apprehending arrest the applicant has approached this Court in connection with Crime No.191/2026 dated 26.02.2026 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.
2. Heard the learned counsel for the applicant and the learned APP for the non-applicant/State.
3. The learned counsel for the applicant submitted that prima facie the offence is not made out and applicant has no criminal antecedent. He further submitted that the charge-sheet is already filed and as per order by this Court passed on 17.04.2026, he has attended the police station.

4. Per contra, according to the learned APP, though charge-sheet is filed and applicant has attended the police station, prima facie case is made out against the applicant.

5. In this background, I have gone through the record of the case. It is alleged in the first information report that on 23.2.2026 when informant was alone at the house, the 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 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.

6. Perusal of FIR would reveal that the offence in question was committed on 24.02.2026 and the FIR was registered on 26.02.2026. Prima facie there is no explanation for delay in lodging the FIR. The fact cannot be ignored that the informant and the applicant are the relatives. It is also not disputed that the applicant has attended the police station and cooperated with the

investigating agency. The charge-sheet is already filed. In that view of the matter, 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.191/2026 dated 26.02.2026 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, applicant – Vimal w/o Sheshrao Pakhale shall be released on bail on furnishing a PR bond of ₹25,000/- [Rupees Twenty Five Thousand only] with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned Police Station as and when directed by the investigating officer.
- (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