

**Spl.Case Ch.Pro. No.93/2025
State v. Rushabh**

Order below Exh.5

Applicant/accused Rushabh Namdev Rathod filed present application for grant of regular bail u/s 483 of BNSS who has been arrested by Malegaon police station in connection with crime no.367/2025 registered u/s 65(1), 76, 333 of BNS 2023 and S.4 and 8 of Protection of Children from Sexual Offences Act, 2012.

2. Perused application and say filed by IO. Heard learned advocate for accused and learned APP for State. Victim appeared and filed her say. I have also heard, victim in person.

3. It is contention of the accused that on the basis of report lodged by the informant/victim, police station, Malegaon registered the offences against him. It is submitted that incident occurred on 30.07.2025 but report lodged by the informant on 31.07.2025. No explanation is given for delay in lodging FIR. Applicant is arrested on 31.07.2025 and since then he is behind the bars. Applicant has no nexus with the alleged offence. Applicant is falsely implicated in said crime. Investigation is almost over hence, no need to keep the accused behind the bars. Applicant is law abiding person. His old aged parents, and siblings are dependent upon him. The learned counsel for the applicant filed and relied the citation in the case of ***Vijay Chand Dubey v. The State of Maharashtra and Anr, decided on 17.02.2025 in Criminal Bail Application No.3899 of 2024, Hon'ble High Court of Judicature at Bombay*** . Hence, prayed for release him on bail.

4. Learned APP has opposed the application on the ground that accused has knowledge that the victim is the minor however, he committed the offence against her. Hence, if he will release on bail, he may commit such type of offence again. Accused may also threaten to informant and victim. Hence, prayed for rejection of the application.

5. Victim appeared and filed say and objected the application. It is submitted that accused has committed raped on her who is under sixteen years. If he released on bail, he may threatened to kill victim and he may pressurize the witnesses. Therefore, prayed to reject the application.

6. Perused contents of this application, say filed by the I.O. and say filed by victim.

7. After going through the record, it appears that at the time of incident victim is 14 years old. So also in medico legal examination report it is mentioned that 'use of recent force over the private parts of the survivor and possibility of sexual violence cannot be ruled out is mentioned. It appears that victim and applicant are residing in the same locality'. I have gone through the citation submitted by the learned counsel for the applicant. But it is not applicable to the case in hand as in that citation the Hon'ble Court has observed that,

9. Insofar as the present case is concerned, it is seen that victim has left her parents' house without informing the parents and has stayed with applicant for 3 days and 3 nights as also she has confessed that she was in love with the applicant and travelled along with him to different places and had a consensual encounter.

8. The said fact is not in the case in hand. Hence, considering these facts and circumstances, I am of the opinion that it is not proper to grant the application. In the result, I pass following order.

ORDER

Application is rejected.

Date : 04.11.2025

(VD.Ingle)
Additional Sessions Judge, Washim.

CERTIFICATE

I affirm that the contents of this PD.F file Judgment/Order are same word to word, as per the original judgment/order.

Name of Stenographer	:- R.R.Bharad, Stenographer (Grade-I)
Name of Court	:- Smt.V.D.Ingle District Judge-2 and Additional Sessions Judge, Washim.
Date of Judgment/ Order	:- 04.11.2025
Judgment/Order signed by the Presiding Officer on	:- 04.11.2025
Judgment/Order uploaded on	:- 04.11.2025