

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

CRIMINAL APPLICATION (ABA) NO. 440 OF 2026

[Sunil S/o Ashok Rathod vs. State of Maharashtra, through P.S.O., P.S., Frezerpura,
Amravati and anr.]

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

Court's or Judge's orders

Mr. S. D. Chande, Advocate for the applicant
Mr. S. S. Hulke, APP for the State

CORAM: RAJ D. WAKODE, J.

DATED : 27-05-2026

Heard Mr. S. D. Chande, learned Counsel for
the applicant.

2. The applicant is apprehending his arrest in
connection with Crime No. 0202/2026 registered on
5-4-2026 with Frezerpura Police Station, Amravati for the
offence punishable under Sections 64(1), 75(2), 308(2),
308(3), 115(2), 351(3), 352 and 3(5) of the Bharatiya
Nyaya Sanhita, 2023 and has approached this Court for
grant of anticipatory bail.

3. Mr. Chande, learned Counsel for the applicant
submits that the alleged offence, as per the recitals of First
Information Report (FIR) was committed on 4-2-2024 and
subsequently in March, 2024. However, the FIR was
lodged after the passage of more than two years i.e. on
5-4-2026. Further, the complainant has alleged in the FIR
that on 4-2-2024, the applicant has committed rape upon
the complainant by trespassing her residence, when her
husband was on duty and her children went to school.

However, the date 4-2-2024 referred to was Sunday and this very statement raises a serious doubt about the allegations made in the FIR. Further, there is inordinate delay in lodging the aforesaid complaint.

4. The learned Sessions Court has rejected the anticipatory bail solely on the ground that the recovery of mobile phone and clothes of the applicant is remaining, so also, medical examination is yet to be done. The aforesaid anxiety, as expressed by the learned Sessions Court, can be taken care of by imposing conditions on the applicant.

5. Mr. S. S. Hulke, learned Additional Public Prosecutor, apart from aforesaid reasons, could not point out any reason for claiming custody of the present applicant.

6. The applicant is working as Police Constable in SRPF, Gat No. 9, Amravati. Since the applicant himself is a Police Constable, there is no possibility of his being absconding, if granted protection by this court.

7. In view of the above and for the reasons stated aforesaid, I am inclined to grant ad-interim protection to the applicant. Accordingly, I pass following order :

(a) Issue notice to the Non-applicants, returnable on 12-6-2026.

(b) Learned APP waives notice on behalf of the State/non-applicant no. 1.

- (c) In the meanwhile, in the event of arrest of the applicant Sunil S/o Ashok Rathod in Crime No. 0202/2026 registered with Frezerpura Police Station, Amravati for the offence punishable under Sections 64(1), 75(2), 308(2), 308(3), 115(2), 351(3), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, he be released on ad-interim anticipatory bail on his furnishing P.R. bond of Rs.50,000/- with one solvent surety in the like amount.
- (d) The applicant is directed to attend non-applicant no. 1 - Police Station on every Monday and Friday in between 11.00 a.m. and 1.00 p.m.
- (e) The applicant is further directed to cooperate with the Investigating Officer in the investigation and make himself available for medical examination and also for the purpose of recovery of clothes and mobile phone.
- (f) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

- (g) The applicant shall provide his residential address and cell number to the concerned Investigating Officer where he intend to reside.

- (h) Breach of either of condition would give rise to the prosecution to move this Court for cancellation of bail.

(RAJ D. WAKODE, J.)

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