



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

918 BAIL APPLICATION NO. 1346 OF 2024

SUNIL AMBADAS TAMBE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Narwade Narayan B.

APP for Respondent- State : Mr.G.O. Wattamvar

Advocate for respondent no.2 : Mr. Nahar Akash P.

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CORAM : S. G. MEHARE, J.

DATE : 3rd October, 2024.

P.C.:

1. Heard the learned counsel for the applicant, the learned APP for respondent/State and the learned counsel for the victim.
2. The applicant seeks bail in Crime No. 379 of 2023 registered with Newasa Police Station, for the offences punishable under sections 376(2)(n), 376(2)(j), 376(1), 354(A)(1), 354(D), 417, 420, 313, 323, 504 and 506 of the Indian Penal Code and sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act.
3. The case appears to have chequered history. The victim was married to one boy. She alleged against her mother that she was forced to marry the said boy. It is also alleged against the applicant that he was continuously visiting the house of her parents as well as the place where she was married. He convinced her to lodge the report against her parents for child marriage. He was sending her parents out and he was trying to keep physical relations with her. She

was pregnant from her husband. He administered her tablets, that terminated her pregnancy.

4. Sum and substance she made allegations against the applicant that the applicant trapped her and did forcible sex with her. He took her to Aurangabad under the promise to marry. Then he again took her to village of his sister. However, he did not perform the marriage with her, he only did the sex and he was interested in her money received from a death accident claim of her father.

5. The learned counsel for the applicant vehemently argued that the victim had also lodged the report against her parents complaining that they had grabbed her share from the compensation. He also referred to one report she had lodged and another application addressed to the Superintendent of Police dated 18.08.2022, which was before the present F.I.R. In short, he tried to convince the Court that considering the conduct of the victim, she can not be believed. The applicant never forced her to sex with him nor cheated her. He had no role to play in the incident. She literally had exonerated the applicant in her complaint to the Superintendent of Police. On the contrary, she addressed letter to the Superintendent of Police that the applicant had helped her. He did not force nor cheated her. Therefore, he may be granted bail.

6. The learned APP and the learned counsel for the victim submit that the applicant had trapped the victim, who was a minor. He did

forcible sex with her under the promise to marry. He literally took her with him but he was continuously instigating her to file suit against her parents to receive the money. He had ill-eye over her money. He, therefore, was making a false promise to marry her. When she realized that his promises are fake, she lodged the complaint against him. The applicant can not take advantage of the report filed by her against her mother. It was a old dispute. The victim was completely under the control of the applicant and he misused her childhood. It has also been pointed out that the applicant is habitual offender of trapping such girls or women. He was an accused for the offence of rape and kidnapping in 2019. Thereafter, he trapped the victim. He may again trap another girl in future or tamper with the prosecution. Hence, he may not be granted bail.

7. Arguments of the learned APP and learned counsel for the victim are supported with the papers. The applicant has an explanation that offence of 2019 under section 376-A has been compromised. Orally the matter was compromised, it can not be said that it was a false case. It seems that the applicant is in habit to trap the women and do the sex with them. So at this juncture, the applicant can not be granted benefit of the reports lodged by the victim against her parents and exonerating him from the allegations. The said application to the Superintendent of Police was addressed when she was under the control of applicant and then the entire episode happened. Earlier the

applicant has granted anticipatory bail, but it was cancelled for violating the bail conditions. Considering the past conduct of the applicant, possibility of tampering of the witnesses, trapping the women can not be ruled out. Hence, the application stands dismissed.

[S. G. MEHARE, J.]

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