



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 154 OF 2025

Vikesh S/o. Tolaram Chavan,
Age : 24 years, Occu. : Labour,
R/o. Shivnagar Tanda, Yegapur,
Tq. Chittapur, Dist. Kalburgi (Karnataka) ... Applicant

Versus

1. The State of Maharashtra,
Through Police Inspector,
Police Station, Tuljapur,
Tq. Tuljapur, Dist. Dharashiv.
2. X.Y.Z. ... Respondents.

.....
Mr. Sandip P. Sonawane, Advocate for Applicant.
Mr. S. B. Narwade, APP for Respondent – State.
Mr. Vyankatesh A. Mundhe, Advocate for Respondent No.2.
.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 18 FEBRUARY, 2025

PRONOUNCED ON : 20 FEBRUARY, 2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in Crime No.580 of 2024 registered at Tuljapur Police Station, Dist. Dharashiv for offence punishable under section 64(2) (m) of Bharatiya Nyaya Sanhita, 2023.

2. Pointing to the date of arrest, learned counsel for applicant submitted that, FIR is of 16.12.2024, but applicant is

arrested on 18.12.2024. That, report is by victim, who is around 21 years of age. That, she has alleged that, there was marriage proposal and it was agreeable to her family members, but subsequently, there are allegations of demand of dowry. He further pointed out that, due to long acquaintance, victim, who is a full grown girl, had moved with applicant to various places. That, there was no force or any resistance at any point of time. Subsequently, due to difference marriage could not materialize and then above report is lodged, alleging physical relations, pregnancy being conceived and attempt to terminate pregnancy and finally allegations are made that on the promise of marriage, there was sexual assault.

3. Learned counsel submitted that, apparently, because marriage proposal did not materialize, belated, false and afterthought FIR alleging forceful sexual intercourse is reported. That, in fact, relations were consensual. That, there was no allegation of forceful relations at any point of time and even not after conceiving. That, FIR is out of annoyance. Now, investigation is almost over. As nothing further is shown to be recovered or discovered, learned counsel seeks grant of bail on any condition imposed by this court.

4. Learned APP opposed on the ground that on the promise of marriage, against her wish, sexual relations are maintained. That, victim was 20 weeks pregnant. That, there are allegations of compelling her to terminate pregnancy. Therefore, with such serious allegation of sexual assault, learned APP prays to reject the application.

5. Learned counsel for victim made a statement across the bar that victim has no objection for grant of bail and affidavit to that extent has been placed on record.

6. Heard at length. Perused the papers. Apparently, as pointed out, applicant is arrested on 18.12.2024 on FIR dated 16.12.2024. Again, as pointed out informant victim is 21 years of age. FIR is running in several pages and its substance is that, since November 2023 up to 14.09.2024 accused on the promise of marriage, against her wish, repeatedly and on several occasions maintained physical relations with her at lodges located in Tuljapur, Pune, Humnabad and impregnated her and finally refused to marry her. Hence the report.

7. Apparently, informant is 21 years of age and she claims that she is involved in business of running beauty parlor as

well as preparing reels to be posted on instagram. She claims that in December 2022, while she accompanied her friend at Shivrinar Tanda, Yegapur, she was asked about her marital status by a lady and she informs that she was unmarried. Then she claims that at their native, Vikram Chavan approached her mother with marriage proposal of present applicant. The proposal was approved by her mother and marriage talks were in progress. She claims that, in May 2023, she first time met applicant, who expressed his love for her and took her instagram ID and password and thereafter they both were in contact. She reported that there was demand of 7 tola gold by mother of applicant towards dowry, but as it was not acceptable, marriage proposal did not move ahead and finally it was called off. Then she claims that, in November 2023, applicant again developed contact with her, called her at Solapur and again expressed his love towards her and from there took her to Tuljapur and even tied mangalsutra and took her to lodge and saying that now they are almost married, he maintained forceful physical relations with her. However, they spent two days in lodge. Then she has narrated that on 8th January 2024, she was called to Tuljapur and again in the lodge he maintained forceful sexual relations and even took her earnings and retained it with him. In February 2024, he again called her in Pune and in lodge maintained physical relations with her. She reported that, at that

time, her mother and brother caught them together and again there were talks of marriage between both families. That, when she blocked his mobile, she alleges that applicant developed contact from unknown number, sought apology and again called her to meet at Pimpri Chinchwad, Pune and there also in the lodge, expressed his love and again maintained physical relations. Finally, she conceived and reported it to the applicant, but during further talks he refused to marry her and hence the report.

8. Therefore, what is emerging from above FIR is that, victim who is already major by age, has time to time responded to alleged calls of applicant and even visited the places, where he allegedly invited her and spent time with him in different lodges at various times and she resultantly conceived. Apparently, when there was refusal to marry and later when conception was of over 20 weeks old, above report has been lodged.

9. Informant has also placed on record her own affidavit through her counsel that she has no objection for grant of bail and that FIR was in anger and out of annoyance.

10. In the light of above discussion and when investigation is almost over and nothing is shown to be recovered or discovered,

relief as prayed deserves to be granted. Hence, the following order is passed :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Vikesh S/o. Tolaram Chavan be released on bail in connection with Crime No.580 of 2024 registered with Tuljapur Police Station, Dist. Dharashiv on executing P.B. of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.
- (iv) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE, J.)