



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 BAIL APPLICATION NO. 833 OF 2025

PREM @ MAHENDRA RAJU TUPE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Tilve Akshay Subhash

APP for Respondent/State: Mr. S. M. Ganachari

Advocate for Respondent No.2 :

Mr. Bhusan Virdhe (*Appointed Through Legal Aid*)

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CORAM : ARUN R. PEDNEKER, J.

DATE : 03.07.2025

P.C. :

1] Heard.

2] The applicant is seeking bail as he was arrested on 05.03.2025 in connection with Crime No.0060/2025, dated 13.02.2025, registered with Mukundwadi Police Station, District Chhatrapati Sambhajnagar, for the offences punishable under Sections 64, 64(2)(m), 65(2), 115(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023 & under Sections 4 and 6 of the POCSO Act, 2012.

3] The victim is aged about 16 years and 03 months, who has registered the crime on 13.02.2025 against the applicant, wherein she has stated about the

incident of sexual assault having taken place on her on 04.02.2025 at the hands of the applicant, who at that time was aged 20 years. In her narration of events she has also stated about an incident of physical relations with the applicant nearly about 3 years back, when she was 13 years of age. Being a minor, offence under the POCSO Act and also Bharatiya Nyaya Sanhita came to be registered and the applicant is arrested on 05.03.2025. In the informant's 164 Cr.P.C. statement she has narrated about physical relations with the applicant and that in her history column of medical report has narrated the incident to the Doctor. The informant has stated that on 04.02.2025, the applicant had sexually assaulted the informant and he refused to marry her and then she told the incident to her mother, whereupon the mother and the victim registered the complaint.

4] From the complaint and the deposition, it appears that there was love relations for long period between the applicant and the victim. The trigger point of complaint is refusal to marry.

5] The applicant is in jail from 05.03.2025 and the investigation in the matter is complete and the charge-sheet is filed and the fact of sexual assault can be proved at the time of trial, considering the aforesaid conspectus, bail can be granted to the applicant.

6] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.0060/2025, dated 13.02.2025, registered with Mukundwadi Police Station, District Chhatrapati Sambhajnagar, for the offences punishable under Sections 64, 64(2)(m), 65(2), 115(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023 & under Sections 4 and 6 of the POCSO Act, 2012, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant no way contact with the informant or the witnesses and would not threaten the witnesses or the informant in any manner, failing which the bail granted would be liable to be cancelled.

c] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

e] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

7] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

8] It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE