



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

930 ANTICIPATORY BAIL APPLICATION NO. 906 OF 2025

1. Sunny Shekhar Tarate,
Age: 31 years, Occu: Daily Collection Agent,
R/o: Sangamner, Tq. Sangamner,
District Ahmednagar.

2. Varad S/o Laxman Lohkare,
Age: 24 years, Occu: Labour,
R/o: Sangamner, Tq. Sangamner,
District Ahmednagar

....Applicants

VERSUS

The State of Maharashtra

.....Respondent

.....

Mr. Hemant U. Dhage, Advocate for the Applicant
Mr. M. K. Goyanka, APP for the Respondent - State

.....

CORAM : NEERAJ P. DHOTE, J.

DATE : 07.10.2025

PER COURT :

1. Heard the learned Advocate for the Applicants and the learned APP for the Respondent – State.

2. The Crime bearing No.779/2024 came to be registered with Sangamner City Police Station, District Ahilyanagar (the then Ahmednagar), for the offences punishable under Sections 74, 75, 333, 324(4), 326(f) 115(2) 352, 351(2) and Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as ‘BNS’) on the report lodged by the victim.

3. It is the case of the Prosecution that, the victim was married in the year 2014. Subsequently from 2015, she started residing with some other person. One and a half years prior to the date of the incident, Applicant No.1 had hired a car of the victim for two [02] days, during which time, a fine of Rs.2,200/- was imposed on the vehicle. The Applicant No.1 did not pay the said fine. On the night of 19/09/2024, the victim called Applicant No.1 on the phone and inquired about the fine and he replied that, she should do whatever she wants. In the early morning of 22/09/2024, when the victim was sleeping in her home, she heard the noise of breaking the glass. She noticed the Applicants and two others outside her house and noticed that, her two-wheeler was burnt. The Applicants entered the house of the victim and outraged her modesty. The victim sustained injuries due to the said act. The husband of the victim woke up and the Applicants and two [02] others fled. As the incident was reported to the Police, the aforesaid Crime came to be registered.

4. The Applicants are apprehending arrest, and therefore, they approached the learned Sessions Court for Anticipatory Bail, which came to be rejected, and thereafter, the Applicants approached this Court by way of this Application for Anticipatory Bail.

5. It is submitted by the learned Advocate for the Applicants that, all the Sections under which the Crime is registered are punishable up to

seven [07] years of imprisonment and the Hon'ble Apex Court, in the case of **Arnesh Kumar Vs. State of Bihar and Anr.; 2014 ALL SCR 2542**, has laid down the guidelines in respect of arrest where the offence is punishable for a term less than seven [07] years. He submits that, one [01] year period is over from the date of FIR and the investigation is complete. The Applicants were issued the notice under Section 35(3) of BNNS and the Applicants attended the concerned Police Station and co-operated. There is no question of recovery and the charge-sheet is to be filed soon. He further relied on the Judgment in **Md. Asfak Alam Vs. State of Jharkhan and Another; (2023) 8 SCC 632** in respect of powers of arrest of the Police and the authorization of detention by the Magistrate. It is further submitted by the learned Advocate for the Applicants that, since one of the Sections is triable by the Court of Session, the Applicants were asked to move the Sessions Court for Anticipatory Bail, and therefore, they had filed the Anticipatory Bail before the learned Sessions Court, which came to be rejected. He submits that, in the facts and circumstances of the case, the Application be allowed and the Applicants be protected.

6. The Application is opposed by the learned APP. He submits that, the Applicants are named in the FIR and positive role of assault on the victim is writ large in the FIR. The medical certificate issued by the Rural Hospital shows injuries on the person of the victim, which corroborate her version. The Spot Panchanam shows a burnt two-wheeler outside the house of the

victim, which further corroborates the case of Prosecution. He submits that, the Application be rejected.

7. There is no dispute in respect of the principles laid down in the above-referred Judgments relied upon by the learned Advocate for the Applicants. The Application in hand is for Anticipatory Bail. The FIR clearly speaks out the incident of outraging the modesty of the Informant. It further shows that, the vehicle of the Informant was seen burnt outside the house and the Applicants had threatened her. *Prima facie* case is spelt out from the FIR against the Applicants. The papers made available by the learned APP shows that, the Informant was medically examined on 22/09/2024 i.e. the date of incident, wherein, the history of assault by known persons is mentioned and the injuries in the nature of abrasions over the lower aspect of neck anteriorly 2 x 0.3 c.m. and 1.5 x 0.4 c.m. obliquely, + and blunt trauma to the chest (no visible injury), are mentioned. These injuries support the Informant's version in the FIR. The Spot Panchnama further shows half-burnt two-wheeler in front of the Informant's house. In this view of the matter, in my considered view, this is not a fit case to exercise the powers vested in this Court under Section 482 of BNSS. It is needless to state that, these observations are only in respect of deciding this Application. Hence, I proceed to pass the following order :

ORDER

. The Anticipatory Bail Application is rejected.