



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1383 OF 2025

Rupesh s/o Mahesh Tambre ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Ajinkya Reddy, Advocate for the Applicant.

Mr. N. D. Batule, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 19.08.2025

Pronounced on : 21.08.2025

ORDER :

1. This is a pre arrest bail application, apprehending arrest in crime no. 0433 of 2025 registered at Vivekanand Chowk Police Station, District Latur for offence under Sections 64(1) and 69 of BNS.

2. Alleging false implication, learned counsel pointed out that, informant is major. She herself left house on her own accord. That, in fact informant and accused are first cousins and it is her case that applicant wanted to marry her and therefore she left the house without informing on 31.05.2025. Learned counsel pointed out that, she spent considerable time alone near Latur railway station and she has alleged that, they (accused and informant) spent only a night in a

lodge, but at such time, there are no allegations of any physical relations. That, she subsequently reported that on next day, she experienced abdominal pain as well as pain to private part and thereafter she alone went to Pune and then to Hyderabad. That, subsequently allegations are leveled about sexual harassment. According to learned counsel, above allegations are out of annoyance for not marrying informant. That, custodial interrogation is not necessary. Applicant is ready to co-operate and hence relief is sought.

3. Strongly opposing the above application, learned APP pointed out that, there are allegations of sexual relations and sexual harassment. There is ample material in the form of CCTV footage as well as lodge register wherein victim was taken and sexually abused. Medical papers show rupture to hymen and clear opinion of intercourse is expressed. Learned APP also took this Court through the statements of victim, both, under Sections 180 and 183 of BNSS. and for effective investigation, seeks rejection of the application.

4. Heard. Perused the FIR, it is emerging that, informant is 19 years old. She has alleged that, she was to be married on 06th June, but her cousin, i.e. applicant, offered to marry her and accordingly, she on her own accord seems to have left the house in the night of

31.05.2025 by taking cash and went to Udgir, purchased mobile, spent time at railway station after wearing burkha and then boarded train and came to Latur station. She was also looking for premises to stay and went to her friend's place but, even she was not available. She claims that she spent two days in railway station and then made phone call to present applicant and informed him about her arrival at Latur and to come there. She claims that accordingly on 03.06.2025 present applicant came and they went and spent night in a lodge. She stated that in the lodge, he suggested her to get married, however they both would be in relationship and that they should spend night there, however, she insisted him to perform marriage but he was not agreeable. She also reported that he was trying to come close to her and was harassing her. She reported that next day, when she woke up, she experienced pain in abdomen and private part and therefore she felt that something untoward had happened to her and she told applicant about it, however he suggested her to go back to Udgir by bus and get married and even asked her not to make telephone calls and he left.

5. Therefore the above statement of complainant itself shows that she has left the house on her own accord. She is 19 years of age and has thus attained age of discretion. Her FIR itself shows that,

appellant had asked her to get married. Therefore, taking such material into consideration, applicant deserves protection. Hence, following order :

ORDER

- I. The application is allowed.
- II. In the event of arrest of the applicant in connection with crime no. 0433 of 2025 registered at Vivekanand Chowk Police Station, District Latur for offence under Sections 64(1) and 69 of BNS, he shall be released on executing P.B. and S.B. of Rs.15,000/- with one surety in the like amount.
- III. The applicant shall attend the concerned Police Station as and when called by the Investigating Officer till filing of the charge sheet and co-operate in the investigation.

[ABHAY S. WAGHWASE, J.]

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