



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1839 OF 2025

1. Anant Tatya Bergal
2. Kiran Baliram Kadam

VERSUS

The State Of Maharashtra And Another

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- Mr. S. G. Kawade, Advocate for Applicants
- Mr. S. P. Joshi, APP for Respondent No. 1 - State
- Mr. G. J. Kore, Advocate for Respondent No. 2

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CORAM : MEHROZ K. PATHAN, J.

DATED : 10.12.2025

PER COURT :

1. Heard learned counsel for the applicant, the learned APP for the respondent-State and learned counsel for respondent No. 2 – Complainant.
2. The applicants have approached this Court apprehending arrest in connection with FIR No. 298 of 2025, dated 18.09.2025, registered with Washi Police Station, District Dharashiv, for the offences punishable under Sections 140(3), 140(4), 142, 64, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. The prosecution case, in brief, is that the informant, a 30-year-old resident of Ghatnanduri, lodged a report on 17.09.2025 alleging

that after the death of her husband, co-accused Sanket Bapu Pawar, her neighbour, developed cordial relations with her and, on that pretext, took a total amount of Rs. 4,50,000/- from her in February 2025 and also took 4 tolas of gold ornaments for mortgage. A notarized agreement was executed between them setting out the terms of repayment.

4. About eight days prior to the FIR, when she requested him to return the amount, co-accused Sanket allegedly threatened her and demanded production of the notarized document. On 14.09.2025, he called her near a tamarind tree close to her house and, after she arrived, threatened her. He then allegedly called applicant No. 2 – Kiran Kadam – to bring the document from her house. It is alleged that thereafter Sanket and Kiran gagged her, forcibly made her sit in their four-wheeler and took her away. Sanket allegedly threatened her with a knife and compelled her to call her brother and inform him falsely that she had gone to Pune. She was allegedly confined in the car for two days with her hands, legs and mouth tied.

5. On 16.09.2025, co-accused Sanket allegedly called applicant No.1 Pinglya Beragal, who then drove the vehicle towards Jamkhed. Around 3:00 p.m., Sanket allegedly made applicant Nos. 1 and 2 alight from the car, raised the window shades, lifted her saree and forcibly committed sexual intercourse with her. Thereafter, the

applicants and the co-accused allegedly brought her back to the village around 8:00 p.m. and threatened to kill her and her children if she reported the matter. She then informed her brother and lodged a report on the next day. On the basis of her complaint, the present crime came to be registered against the co-accused and the applicants.

6. Learned counsel for the applicants, Mr. Kawade, submits that the applicants were merely friends of the main accused – Sanket Pawar – and that applicant No. 1 - Anant Tatya Bergal was only driving the vehicle at the relevant time. According to him, even as per the allegations, the alleged incident of sexual intercourse took place only between the complainant and the main accused – Sanket – who is known to the complainant. He submits that the complainant is a major aged 30 years and that consensual intercourse cannot be ruled out. It is therefore submitted that the only allegation against applicant No. 1 - Anant Tatya Bergal is that he was standing outside the vehicle while Sanket was committing sexual intercourse with the complainant. It is further submitted that the allegation regarding threats by the accused persons, including the present applicant, appears to be an afterthought.

7. Learned counsel for the applicant submits that the main accused – Sanket has already been arrested. The applicant No. 2

Kiran was arrested during the pendency of the present application and as such nothing remains to be investigated as against the present applicant, no recovery is sought by the prosecution as against the applicant, the vehicle is seized. The investigation is almost complete. It is further submitted that applicant No. 1 is aged 22 years, has no criminal antecedents, is a permanent resident of the same village with deep roots in society, and there is no possibility of his absconding or tampering with prosecution evidence. Hence, custodial interrogation of applicant No. 1 is not required and he may be released on anticipatory bail.

8. As against this, the learned APP as also the learned counsel assisting prosecution vehemently opposes the application on the ground that applicant No. 1 is involved in a serious offence of abetting rape. It is submitted that even though the applicant is not directly alleged to have committed forcible sexual intercourse upon the complainant, the allegations clearly disclose his role in abetment. The applicant allegedly played a material role in keeping the victim confined in the vehicle, which he himself drove, and in which the main accused – Sanket – committed forcible sexual intercourse. Considering the serious nature of the offence and the role attributed to the applicant, it is submitted that anticipatory bail shall not be granted.

9. I have gone through the investigation papers and the application filed by the counsel assisting the prosecution as also statements of the victim under Section 161 Cr.P.C. and under Section 164 Cr.P.C., which have been recorded before the learned Magistrate. The main accused – Sanket – was arrested on 25.09.2025. It is also reported that co-accused Kiran has been arrested during the pendency of the present application.

10. The case diary further reveals that a notarized agreement was executed between the complainant and the main accused – Sanket Pawar – regarding repayment of the amount of Rs. 4,50,000/-, which he had taken as a hand loan from the complainant. Statements of other witnesses also appear to have been recorded.

11. The statement of the victim has also been recorded under Section 183 of the BNSS, wherein she has reiterated the allegations made in the FIR. She has stated that the present applicant No. 1 – Pinglya @ Anant Tatya Bergal – was accompanying Sanket Pawar and Kiran Kadam at the time when she was kidnapped and raped in the vehicle. As per her statement, on 16.09.2025 at about 03:00 p.m., the applicant – Pinglya @ Anant Tatya Bergal – and Kiran Kadam were asked to get down from the vehicle, after which the main accused – Sanket Pawar – allegedly committed rape upon her.

12. The investigation papers further reveal that a missing report had already been lodged by the victim's father-in-law, Bhimrao Shankar Lavte, on 16.09.2025 at Vashi Police Station. The said report forms part of the station diary pertaining to Missing Person Registration No. 36/2025, bearing GD No. 49 of 2025. The material on record thus indicates that the complainant – victim was kidnapped on 14.09.2025 and the offence of rape was committed by accused – Sanket Pawar, while the present applicant was present along with him. It has also surfaced that the applicant was driving the vehicle and was subsequently asked by accused Sanket to alight from vehicle along with co-accused – Kiran Kadam and thereafter Sanket committed rape on victim/complainant.

13. It is further seen from the FIR that the complainant was released by the accused persons late in the evening on 16.09.2025. The FIR discloses that the complainant was threatened not to inform the police, failing which the accused persons would kill her son. Due to such threat, she first contacted her brother – Dipak Hande and thereafter lodged the FIR. Hence, the delay in lodging the FIR stands reasonably explained.

14. Taking into consideration the grave nature of the allegations and the offence is punishable with imprisonment for life, I am not inclined to grant anticipatory bail to the present applicant No. 1 –

Pinglya @ Anant Taty Bergal.

15. The application stands rejected.

16. The observations made hereinabove are prima facie and are limited to adjudication of the present application and shall not influence the trial or any other proceedings.

(MEHROZ K. PATHAN, J.)