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

920 CRIMINAL APPEAL NO. 935 OF 2025

BHAGWAT DNYANOBA MULGIR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

.....

Mr S. J. Salunke, Advocate for Appellant

Ms U. S. Bhosale, APP for Respondent Nos.1 & 2/State

Mr Sanjay A. Wakure, Advocate for Respondent No.3

.....

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 24th DECEMBER 2025

P. C. :

1. By this criminal appeal, the appellant prays for quashing and setting aside the order dated 04/12/2025 passed below Exhibit 01 in Criminal Bail Petition No.2439/2025 by the learned Special Judge (SC & ST Act), Aurangabad, whereby his application for grant of regular bail in connection with C.R. No.304/2020 registered with Kranti Chowk Police Station, Dist. Chhatrapati Sambhajinagar for offences punishable under Sections 69, 115(2), 352, 351(2), 3(5), 89 of the Bharatiya Nyaya Sanhita and under Section 3(1)(s), 3(1)(w)(ii), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, was rejected. He also prays for releasing him on regular bail in the said crime.

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2. The Crime No.304/2025 came to be registered on the basis of report lodged by respondent No.3/victim. As per the said report, the appellant and respondent No.3/victim got acquainted with each other since 24/02/2024 as both were pursuing preparation for qualifying for competitive examination. The age of the victim is 25 years whereas the appellant is 29 years old. In view of their friendship, they developed physical relationship between them. This was continued till July 2024. The allegations of respondent No.2 that due to said physical relationship, she became pregnant and she was not willing to abort the pregnancy, however, appellant alleged to have administered her abortion pill and has terminated said pregnancy. After consuming said pills, she seems to have developed medical issues, and therefore, she required to be admitted in the hospital. Thereafter, she had undergone certain surgery and thereafter, alleged to have contacted the parents of the appellant for the purpose of performing marriage with the appellant, however, since parents of appellant refused to perform her marriage with the appellant and also alleged to have abused on the basis of her caste, therefore, she lodged the instant FIR.

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3. Heard Mr Salunke, learned Advocate for appellant, learned APP Ms Bhosale for respondent Nos.1 and 2/State and Mr Wakure, learned Advocate for respondent No.3.

4. Mr Salunke, learned Advocate for the appellant submits that the investigation in the instant crime is almost over. However, respondent No.2 has given the statement under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 that she is not intending to prosecute against the appellant further, and as such, she has given no objection for releasing the appellant on bail. He then submits that the appellant was selected for the post of P.S.I. however, crime came to be registered against him and he was arrested. He then submits that the appellant is behind bars since 19/11/2025 and since respondent No.3 has given no objection and the investigation in the matter is almost completed, there is no purpose for putting him behind bars and as such, the appellant may be released on regular bail.

5. Per contra, learned APP Ms Bhosale for respondents/State strongly opposes the instant appeal. According to her, the appellant is involved in a serious crime against a young woman. She then submits that the appellant alleged to have administered certain pills to the victim and terminated her pregnancy, and therefore the provisions of

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Section 89 of the of the Bharatiya Nyaya Sanhita have been attracted. The said offence is punishable upto life imprisonment, and therefore, the appellant is not entitled to release on regular bail. She further submits that compromise between between the parties is not the ground to grant regular bail to the appellant. She, therefore, oppose the instant appeal.

6. Mr Wakure, learned Advocate for respondent No.3/victim submits that since respondent No.3 has given a statement under Section 183 of the Bharatiya Nagarik Suraksha Sanhita before the learned Special Court that she is not intending to prosecute the appellant further. Therefore, she is having no objection for releasing the appellant on bail.

7. After perusing the entire material on record, it is clear that relationship between appellant and respondent No.3 are consensual in nature and they were known to each other since last year. Both were pursuing their education/career in order to prepare for competitive examination. Since the investigation in the instant crime is already over and the appellant who is at the tender age has been behind bars since last one month and five days, no purpose would be served by

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keeping him behind the bars. Even otherwise, respondent No.3 has given no objection for releasing the appellant on bail.

8. In that view of the matter, in my view the appellant deserves to be enlarged on regular bail. Hence, I pass the following order :-

ORDER

(I) The present criminal appeal is allowed.

(II) The order dated 04/12/2025, passed below Exhibit 01 in Criminal Bail Petition No.2439/2025 by the learned Special Judge (SC & ST Act), Aurangabad, is hereby quashed and set aside.

(III) Appellant shall be released on bail in connection with C.R. registered with Kranti Chowk Police Station, Dist. Chhatrapati Sambhajanagar for offences punishable under Sections 69, 115(2), 352, 351(2), 3(5), 89 of the Bharatiya Nyaya Sanhita and under Section 3(1)(s), 3(1)(w)(ii), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing PR bond of Rs.25,000/- with one solvent surety/ security in the like amount.

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(IV) Appellant shall not influence or contact with any witnesses or informant/victim and not to interfere with the evidence of the prosecution.

(V) Appellant shall cooperate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

(VI) Appellant shall place on record of the trial Court the details of his contract number and residential address with updates in case of any change.

(VII) Appellant shall attend the concerned police station and report to Police Station Officer as and when called for, till the conclusion of trial.

(VIII) Appellant shall not commit any crime during his bail period.

7. It is made clear that, in case of violation of any of the aforesaid conditions, the bail granted to the appellant shall be liable to be cancelled.

8. It is also clarified that the observations made in this order are *prima facie* in nature for the purpose of adjudication of this appeal.

[SUSHIL M. GHODESWAR, J.]

sjk