



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

CRIMINAL APPEAL NO. 392 OF 2025

Dhondiba @ Balu Marotrao Paul

.. Appellant

Versus

The State Of Maharashtra And Others

.. Respondents

Mr. Rajendra N. Chavan, Advocate h/f Mr. Santosh A. Gaikwad,
Advocate for the Appellant.

Mr. R. B. Dhaware, APP for Respondent Nos. 1 and 2.

Smt. R. V. Sundale, Advocate for Respondent No. 3.

CORAM : KISHORE C. SANT, J.

DATED : 24th JUNE, 2025.

P C. :-

. Heard learned advocate for the appellant, learned A.P.P. and learned advocate for Respondent No. 3.

2. The appellant has approached this Court seeking bail in connection with Crime No. 88/2025 registered with Tamsa Police Station for the offences punishable under Section 64 (2) (m) of the Bhartiya Nyaya Sanhita, 2023 (for the sake of brevity hereinafter referred to as "B.N.S.") and Sections 3(1)(w)(i), 3(1)(w)(ii) and 3(2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for the sake of brevity hereinafter referred to as "Atrocities Act."). An information came to be lodged by respondent

No. 3 with Police Station Tamsa on 11.05.2025. It is alleged that, the informant and appellant came to know each other through Instagram. She is working as a Nurse. Since last two years she also spent some time with the appellant at Nanded. In May 2025 she decided to reside with the appellant. She herself called the appellant and told that she has come to Hadgaon and want to reside with the appellant. Thereafter, as per her call the appellant went to Hadgaon bus stand and took her in a car. He had physical contact with her in the night for two days and thereafter on 11.05.2025 he left her on the road and went away. On this, she lodged the complaint stating that the appellant had the knowledge that the informant belongs to scheduled tribe and still kept relations under the pretext of marriage.

3. The police on the basis of this registered the crime. The appellant is arrested in connection with the offence on 12.05.2025. The appellant filed an application for bail in the Court of learned Additional Sessions Judge, Nanded. His bail application came to be rejected by impugned order dated 27.05.2025.

4. The learned advocate for the appellant vehemently argued that, taking the FIR as it is, there is nothing to show that the relationship was by any compulsion or under threat. There is nothing to indicate that, there was intention to humiliate or insult the informant in the

name of caste. It was a consensual relationship. Only because the marriage could not take place would not bring the case under the Atrocities Act. So far as other allegations are concerned, he submits that, the informant is a working women. She is well aware of the consequences of physical relations and still she never resisted the relationship. He thus submits that, a case is made out to grant bail.

5. The learned A.P.P. submits that, from the allegations in the FIR it is clearly seen that, the appellant is aware of the caste of the informant. When the informant shown desire to stay with him, he did not take any step to see any room. He kept the relations 2-3 times in a car without making any arrangement for her to stay in Hadgaon. He thus submits that, the intention was clear to have relations without marriage.

6. The learned advocate for the informant also vehemently opposes the appeal. She submits that, it is clear that, though the appellant maintained physical relations, at no point of time he took positive steps to perform the marriage. He did not even made any arrangement for her stay. He was well aware of the caste of the informant.

7. This Court has considered the allegations. From the FIR it is clearly seen that, at no point of time it is shown that the relationship was under pressure or under threat. For about two years the informant

did not make any complaint. It is only after she realize that there is no chance of appellant getting married with her, she filed a complaint. The informant is a working lady of 31 years of age. She is certainly aware of the consequences of physical relations. The learned Sessions Judge while considering the application has mainly considered that the informant belongs to scheduled tribe. The learned Sessions Court did not consider it properly that the relations between the parties were consensual relationship. The fact that she herself expressed desire to stay with the appellant shows that she was also willing to stay with the appellant. Under such circumstance this Court finds that, it is difficult to infer that the appellant had the relations with the informant only because she happen to be belonging to a scheduled tribe.

8. Considering the above, this Court finds that, a case is made out to grant regular bail. Hence, the following order.

ORDER

(i) Criminal Appeal is allowed in terms of prayer clause (B) & (C). The appellant be released on bail in connection with Crime No. 88/2025 registered with Tamsa Police Station for the offences punishable under Section 64 (2) (m) of the B.N.S. and Sections 3(1) (w)(i), 3(1)(w)(ii) and 3(2)(va) of the Atrocities Act on furnishing PR. bond in the sum of Rs. 25,000/- with one solvent surety in the like

amount under following conditions :

- (ii) The appellant shall not enter Pune district where the informant is residing. The appellant shall not contact the informant by any means. If, in case, it is found that, he tried to contact the informant, the bail shall be liable to be cancelled.
- (iii) The appellant shall attend police station as and when required.
- (iv) The appellant to furnish his residential address, mobile number and other contact details to the concerned I.O./Police Station.
- (v) With this, Criminal Appeal stands disposed of.

(KISHORE C. SANT, J.)

P.S.B.