



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

911 BAIL APPLICATION NO. 573 OF 2025

Datta Suresh Ingale

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Salunke Sudarshan J.

APP for Respondents-State: Mr. N. B. Patil

Advocate for Respondent No.2 : Mr. Tapan Sant (Appointed)

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CORAM : ARUN R. PEDNEKER, J.

Dated : June 24, 2025.

PER COURT :-

1. Heard the learned Counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is seeking to quash and set aside the order dated 17/03/2025 passed below Exhibit 26 in Sessions Case No. 225/2024 by the learned Additional Sessions Judge-2, Parbhani. The said order arises out of FIR No. 80/2024 dated 08/02/2024, registered with Pathri Police Station, for the offences punishable under Sections 376, 376(2)(n), and 406 of the Indian Penal Code.

3. The relevant facts of the case, as recorded by the Sessions Court in paragraphs 3 and 4 of its order, are as follows : -

"3. The facts of the prosecution case in brief are such that the victim who is aged about 26 years old lodged complaint on 08/02/2024 alleging that she was in love with accused since last three to four years and that her physical relationship was with accused as accused promise to marry with her and that out of the said relationship one baby boy was born to her but thereafter accused performed his marriage with other girl and the accused refused to marry with the

victim. So on the complaint of the victim crime for the offence punishable under Section 376, 376 (2) (n), 406 of Indian Penal Code was registered vide Crime No.80/2024 with Pathri Police Station.

4. It is argued by learned advocate for accused that the victim and the accused were in relationship from 18 May 2021 till January 2024. In the meantime one child was born to the informant. Informant was feeling that accused would marry with her. Thereafter informant lodged complaint. Informant is already married. She is having one daughter from her husband. Informant has filed one Miscellaneous Application under Section 125 of Code of Criminal Procedure 1973 against accused wherein she demanded maintenance for herself and her son by saying that she is the wife of accused. Informant filed N.C. against accused in order to put pressure on him. Thereafter bail of the accused was cancelled by this Court by passing order. Against that order applicant approached Hon'ble High Court. Hon'ble High Court directed accused to surrender before Trial Court and apply for bail. Accused surrendered before this Court and has prayed for bail. There is consensual relationship. One child is born to her from accused. He is ready to abide by any condition. It is therefore submitted that application maybe allowed."

4. It is stated that the applicant was granted bail in connection with the FIR registered against him by the informant on 04/03/2024. One of the conditions imposed while granting bail was that the applicant shall maintain law and order and shall not pressurize the witnesses or tamper with the evidence in any manner.

5. Subsequently, the informant filed an application alleging breach of

the bail conditions. It is submitted that the applicant was pressuring the informant to withdraw the case. The informant further alleged that on 08/10/2024, while she was returning from court after attending the trial proceedings, the applicant intercepted her on the way, showed her a knife, and threatened her to withdraw the case. It is also alleged that the applicant later visited her house and again threatened her to withdraw the case.

6. Based on these allegations, an application was filed for cancellation of bail. Upon considering the material placed on record, the Trial Court cancelled the bail, holding that the applicant was pressuring the informant.

7. However, the learned Counsel for the applicant submits that after the grant of bail on 04/03/2024, it was in fact the informant who repeatedly contacted the applicant and pressurized him to accept a relationship with her. In support of this contention, the learned Counsel has placed on record, at pages 67 to 80 of the compilation, call records from the informant's mobile number bearing 7350556412, showing several missed calls made by her to the applicant between 27/12/2024 and 04/01/2025. It is pointed out that a large number of missed calls were made by the informant to the applicant during this period.

8. Prima facie, it appears that not only the applicant was in

communication with the informant, but the informant was also actively pursuing the applicant. Given this mutual communication, the possibility of exaggeration in the complaint made by the informant cannot be ruled out at this stage. The applicant has also submitted that the informant was attempting to pressurize him into marriage.

9. Considering the totality of the material placed on record it cannot be said that the applicant has violated the conditions of bail. The applicant is entitled to be released on bail. The applicant has further undertaken not to enter the vicinity of Manvat or visit Manvat, where the victim resides, during the pendency of the trial.

10. In view of the above, the application is allowed in the following terms: -

a] The order dated 17/03/2025 passed below Exhibit 26 in Sessions Case No. 225/2024 by the learned Additional Sessions Judge-2, Parbhani, is hereby quashed and set aside.

b] The applicant shall be released on bail upon furnishing a Personal Bond of Rs.25,000/- (Rupees Twenty-Five Thousand only) with one or two sureties of the like amount, to the satisfaction of the Trial Court.

c] The applicant shall not enter or visit Manvat town or the vicinity of Taluka Manvat, where the informant resides, until the conclusion of the trial.

d] The applicant, upon being released on bail, shall not contact the informant in any manner whatsoever, either

directly or indirectly, during the pendency of the trial.

e] The applicant shall co-operate with the Trial Court and attend each and every hearing unless specifically exempted by the Trial Court.

f] The applicant shall not tamper with the evidence of the prosecution or influence the informant, witnesses, or any other persons connected with the case.

g] The applicant shall furnish his contact number and current residential address before the Trial Court at the time of release and shall update the same in case of any change during the pendency of the trial.

11. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

12. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.