

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1769 OF 2025

Dnyandev S/o. Balbhim Khamgal ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Priyal G. Sarda a/w Mr. Anant Devkate, Ms. Seema S. Dighe, Mr. Shubham Sane and Mr. Rajesh Ranglani, learned Advocates for the Applicant.

Mr. Vinod Chate, learned A.P.P. for the State/Respondent.

WHC-2525 Ms. A. Y. Jadhav attached to Baramati Taluka Police Station is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 19th JUNE 2025.

P.C. :

1. Heard Mr. Priyal Sarda, learned Advocate for the Applicant and Mr. Vinod Chate, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 5 of 2025 registered with Baramati Taluka Police Station, District-Pune for the offence punishable under Sections 75(1), 75(2), 78(2) and 352 of Bharatiya Nyaya Sanhita, 2023, (“**BNS**” for short). The said crime has been registered as Sessions Case No. 51 of 2025 and is pending on the file of the Court of District and Additional Sessions Judge, Baramati, District-Pune.

3. Case of the prosecution is that the Informant (X) (name is not disclosed to withhold the identity), is a married woman having a son, filed a complaint against the Applicant herein stating that she had gone with the Applicant to Mumbai. During the said period, the Applicant expressed his feelings to her and hugged her (मिठी मारली). This act of hugging was repeated on another occasion at the residence of Informant. On the basis of above, the said crime is registered.

4. Applicant was arrested on 7th January 2025 and is in jail since then.

5. Mr. Priyal Sarda, learned Advocate for the Applicant submits that the Applicant has been falsely implicated in the said crime. He submits that no such offence, as alleged, has ever happened. He further submits that even if the offence is considered to have happened, the maximum punishment for such offence is of 3 years. He submits that the prosecution has already filed charge-sheet. He therefore submits that the incarceration of Applicant for the offence, as alleged, during pendency of trial, would be harsh and therefore, bail be granted on such conditions as this Court may deem it fit and proper.

6. Mr. Vinod Chate, learned A.P.P. for the State/Respondent submits that from the F.I.R., it is evident that the Applicant has taken undue advantage of a married woman, that too in the absence of her husband. He states that the charge-sheet has been filed in the matter. He submits that in the event, this Court considers to release the Applicant on bail, then appropriate

conditions may be imposed on the Applicant, including the condition that he should not contact the Informant.

7. I have perused the records with the assistance of learned Advocates of the parties.

8. Records of the case bare out that the allegation against the Applicant is of the Applicant having hugged the Informant. The F.I.R. does not record any other act being committed by the Applicant. Applicant is in custody since 7th January 2025, i.e., almost 5 months from his arrest. Considering the nature of allegations and the punishment prescribed for the offence charged, further incarceration of the Applicant during pendency of the trial, is not warranted. This is a fit case for enlargement of the Applicant on bail.

9. In view of the above, Criminal Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 5 of 2025 registered with Baramati Taluka Police Station, District-Pune for the offence punishable under Sections 75(1), 75(2), 78(2) and 352 of the BNS on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-Five Thousand Only) with one or two sureties in the like amount, to the satisfaction of the learned Additional Sessions Judge, Baramati, District-Pune.
- b. Applicant shall not tamper with the evidence.

- c. Applicant shall not contact or attempt to contact the Informant or any of the family member or any witness in the present crime.
- d. Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of Sessions Case No. 51 of 2025, pending before the Additional Sessions Judge, Baramati, District-Pune, on each and every date, unless exempted.

10. Criminal Bail Application No. 1769 of 2025 stands disposed of in the above terms.

[ASHWIN D. BHOBE, J.]

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by GITALAXMI
KRISHNA
KOTAWADEKAR
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2025.06.19
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