

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2558 OF 2025**

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Siddharth Devidas Zende

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Rupesh Zade, for the Applicant.

Ms. G. P. Mulekar, APP for the Respondent No.1-State.

Mr. Rajaram V. Bansode a/w Sheetal M. Ubale, for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED: 06 NOVEMBER 2025

PC:-

1. Heard Mr. Zade, learned Counsel appearing for the Applicant, Ms. Mulekar, learned APP for the Respondent No.1-State of Maharashtra and Mr. Bansode, learned Counsel appearing for Respondent No.2.

2. By the Anticipatory Bail Application filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* ("BNSS"), the Applicant is seeking pre-arrest bail in connection with CR No.312 of 2025 registered on 30th July 2025 with the Baramati Police Station, District-Pune, for the offences punishable under Sections 316(2), 318(4) and 69 of the *Bharatiya Nyaya Sanhita, 2023*.

3. The prosecution case is set out in Paragraph Nos.2 to 5 of the Order dated 3rd September 2025 passed by the learned Additional Sessions Judge, Baramati, District-Pune in Criminal Bail Application No.648 of 2025 filed by the present Applicant which has been rejected. The said Paragraph Nos.2 to 5 read as under :-

“2. The allegations in the FIR are summarized as under:

On 30/07/2025 informant/victim lodged report in Baramati Taluka Police Station alleging therein that, she was married in the year 2009. She was separated from her husband in the year 2015. Since 2017 she along with her two children resides on address given in the first information report and maintaining herself two children, doing work as a maiden servant.

3. Sister and her husband were asking informant to perform her second marriage, therefore she had registered her name on matrimonial website. On 11/05/2015 accused made phone call to the informant and told her that, he is ready to marry with informant. Then they were met at the house of sister of informant as on 12/05/2025. They accepted proposal of each other. Accused told that, he is engaged in business of installation of windmill. Brother in law of informant told to the accused that, after obtaining divorce from former husband of informant they would perform the marriage with accused.

4. On 04.06.2025 informant had gone to Barshi for attending marriage ceremony of her relative. The sister of informant resides at Barshi, therefore she was stayed at her house. On that day accused had came to the house

of sister of informant and stayed there. On 05.06.2025 informant was proceeding to Pune with her children, on which accused asked her to alight at Daund, accordingly she along with her both children was alighted at Daund. Then accused took informant and her children to the Royal In Hotel at Baramati. Though she was refusing for sexual relations, accused under promise to marry forcibly committed sexual relations with informant/victim. On next day as on 06.06.2025 he left the informant and her children at Pune. On 08.06.2025 accused took informant, her children to Finix Mall, taken lunch. Then accused told to the informant that, she shall purchase gold ornaments of her choice in shop of PNG Jewellers and he will pay for the same. He told that, he has urgent meeting. The informant had gone to PNG Jeweller shop at Viman Nagar and booked ornaments and went to her house. The accused left Pune on next day and went to Latur.

5. On 20.06.2025 accused had demanded an amount of Rs.10,00,000/- from brother in law of the informant saying that, worker working at his work site suffered injuries due to electric shock. Keeping belief on his words brother in law of informant paid an amount of Rs.8,00,000/- to the accused. However, he avoided to repay said amount by one or other pretext. He also obtained ATM card of informant and withdrawn an amount of Rs.3,16,000/-. He also obtained an amount of Rs.2,00,000/- from one Digvijay Salunke. On complaint lodged by said Digvijay Salunke bank account of informant was freezed. Thus, the accused has committed sexual assaults on victim under promise to marry and also with an intention to cheat obtained amounts from the informant, her relatives. On that basis, above referred FIR has been registered against the accused.”

4. It is the submission of Mr. Zade, learned Counsel for the Applicant that the Applicant is not involved in the crime and therefore he be granted anticipatory bail.

5. On the other hand, Ms. Mulekar, learned APP for the Respondent-State of Maharashtra and Mr. Bansode, learned Counsel for Respondent No.2, strongly oppose the Anticipatory Bail Application. Both of them submit that the allegations are very serious and the custodial interrogation is necessary.

6. Perusal of the record shows that the Applicant sexually assaulted the First Informant by giving false promise of marriage. The Applicant is already married. Applicant's wife passed away on 12th September 2025 i.e. after lodging of the FIR on 30th July 2025. Thus, when the Applicant sexually assaulted the First Informant by giving false promise of marriage his wife was alive. *Prima facie* there is substance in the allegation as contained in the FIR that the Applicant by giving false promise of marriage, has sexually assaulted the First Informant. The Applicant has also extorted huge amount of Rs.11,16,000/- from the First Informant. On an earlier date i.e. 18th September 2025 a statement was made

on behalf of the Applicant that the Applicant will deposit in this Court the said amount of Rs.11,16,000/-. The said statement has also not been complied with.

7. It is also required to be noted that the Applicant is a habitual offender. There are two offences registered against the Applicant. The details of the offences are as follows :-

Sr. No.	FIR/CR No.	Name of Police Station	Section/s invoked
1	FIR No.39 of 2021	Bhigwan Police Station	420, 467, 468, 469, 471, 472, 474, 475 r/w 34 of the IPC, 1860
2	CR No.504 of 2020	Walchandnagar Police Station	420, 464, 467, 468 r/w 34 of the IPC, 1860

8. In any case, the offence is very serious where the custodial interrogation is necessary.

9. The Supreme Court in the decision of *Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. State of Maharashtra*¹, has held that the anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong

1 2025 SCC OnLine SC 1489

reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. It has been further held that while called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.

10. Considering the facts of this case and the above parameters, no case is made out for grant of anticipatory bail.

11. Accordingly, the Anticipatory Bail Application is dismissed.

[MADHAV J. JAMDAR, J.]