



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.211 OF 2025

(Roshi @ Nikhil s/o Arvind Tembhekar Vs. State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.M. Chandekar, Advocate for the applicant.
Ms S.V. Kolhe, APP for the State.
Ms K. Deshpande, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 25, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 12/01/2025 in connection with Crime No.41/2025 registered with Police Station Tiroda, District Gondia for the offences punishable under Sections 69 of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of report lodged by the victim woman aged about 39 years on an allegation that she got acquaintance with the present applicant and on the promise of marriage, the present applicant has subjected her for the forceful sexual assault. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that it was a consensual act between the victim and the present applicant. As far as the further incarceration is

concerned which is not required and investigation is practically completed and charge-sheet is filed. In view of that, he be released on bail.

4. Learned APP and learned Counsel for the victim strongly opposed the application on the ground that under misconception of fact the applicant has subjected her for the forceful sexual assault and in view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides and on perusal of the investigation papers, it reveals that there was acquaintance between both of them and at this stage, *prima facie* it appears that it is a consensual act. Whether it was misconception of fact or not is a matter of evidence. At this stage, no further incarceration is required. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Roshi @ Nikhil s/o Arvind Tembhekar in connection with Crime No.41/2025 registered with Police Station Tiroda, District Gondia for the offences punishable under Sections 69 of the Bharatiya Nyaya Sanhita, 2023, be released on bail on executing PR. Bond in the sum of Rs.25,000/-

with one solvent surety in the like amount.

(iii) The applicant shall not enter into the vicinity of Khairlanji Road, Gautam Buddha Ward, Tiroda, Taluka Tiroda, District Gondia, till culmination of the trial.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

(v) The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

6. The contravention of any of the condition would lead to the cancellation of bail.

7. The application stands disposed of.

8. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)