



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.397 OF 2025

Atul s/o Pundlik Zade

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Saoner, District Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. M. Chandekar, Counsel for the applicant.

Mr. V. A. Thakare, APP for non-applicant No.1/State.

Mr. A. S. Pande, appointed Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 14/07/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.460/2025 registered at Police Station Saoner, District – Nagpur, for the offence punishable under Section 64 of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned Counsel for the applicant, who submitted that from the recitals of the FIR it reveals that there was a consensual relationship between the victim and the present applicant and out that consensual relationship, the physical relationship was developed between them. He submitted that the applicant has cooperated with the investigating agency after he is released on ad-interim anticipatory bail. Now, the custodial interrogation of the present

applicant is not required. He also made himself available for the medical examination. The investigation is also completed. In view of that, he be protected by granting anticipatory bail.

3. Learned APP and learned appointed Counsel for the non-applicant No.2- victim strongly opposed the said application and raised the apprehension of tampering with the witnesses.

4. On hearing both sides and on perusal of the FIR shows that victim/complainant was having love affair with applicant. She is 27 years old. The consensual physical relationship was developed between them. However, her marriage was performed with another person on 06.04.2025 and on 17.05.2025, her husband came to know her relationship and therefore, she lodged the report. Considering the fact that, admittedly, it reveals that there was a consensual relationship. As far as the aspect of tampering of witnesses is concerned, which can be taken care of by imposing certain conditions on the present applicant. In view of that, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The interim protection granted to the present applicant by order dated 30.05.2025 is hereby confirmed on the condition that the applicant shall not induce, threat or promise

any witnesses who are acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iii) The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

(iv) The applicant shall not enter into the vicinity of village Karegaon, Tahsil Bhadravati, District Chandaur, till culmination of the trial.

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

(URMILA JOSHI-PHALKE, J.)