IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 ANTICIPATORY BAIL APPLICATION NO. 1838 OF 2026

Hanumant Madhavrao Bembarkar
VERSUS
The State Of Maharashtra And Another

Mr. S. G. Kawade i/by Shrikant G. Kawade And Legal Associates, Advocate for Applicant
Mr. N. R. Dayama, APP for Respondents/State
Mr. M. G. Kedar, Advocate for Informant

CORAM : R.M. JOSHI, J
DATE : OCTOBER 28, 2026

P. C. :

1. Applicant apprehends arrest in connection with C.R. No. 380/2026 registered with Police Station Vimantal, District Nanded for the offences punishable under Sections 64(1), 64(2)(d), 352, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 135 of the Maharashtra Police Act.

2. First information report indicates that the Applicant came into contact with the informant in connection with work. Applicant, being Talathi, assured help to the informant and her mother. First information report indicates that on 13.08.2026, Applicant called mother of the informant making inquiry about her presence in the house. Thereafter, he came to the house of the Informant/Victim. There is allegation that he conducted rape on her. There is further statement that after mother of the

informant came home, she was also threatened by the Applicant.

3. Learned Counsel for the Applicant submits that this is a case of false implication of the Applicant in the crime. It was initial submission of Applicant that this is complete case of false implication and he never accepted the fact that the Applicant was present at the spot i.e. house of victim at the relevant time. However, after learned APP has placed on record evidence in the form of CDR indicating location of the mobile phone of the Applicant at the same place i.e. victim's house, now it is sought to be argued that Applicant was called there for the discussion. In any case, it is his submission that the Applicant's bond obtained of the same day creates doubt with regard to occurrence of incident. He also drew attention of the Court to the action taken against one of the police personnel for pressurizing Applicant and threatening him for false implication. To support this submission, he placed reliance on the transcript of the conversation between him and said police personnel Ajay Yadav. He also contends that there is no medical evidence to support allegations against Applicant.

4. Learned APP and learned Counsel for Informant opposed grant of any relief to the Applicant by citing seriousness of the crime. According to learned APP, the evidence collected during the course of investigation indicates that at the relevant time Applicant was present in the house of victim. He also points out that at no point of time it was case sought to be

made out by Applicant before Sessions Court or before this Court that Applicant was called at the house of the informant and he accordingly went there for some work. It is his submission that merely because some action is taken against police personnel Ajay Yadav that does not indicate innocence of the Applicant. Learned APP further drew attention of the Court to the fact that it was the present Applicant who has given missed call to the mother of victim on the date of incident as well as on previous day.

5. Perusal of the application indicates that the Applicant claimed to be a falsely implicated. He, however, at no point of time till learned APP has brought to the notice of this Court evidence indicating presence of the Applicant in the house of the victim at the relevant time, had claimed or accepted that he was present in the house of the victim. Pertinently, Applicant is Talathi. It was a working day. Applicant otherwise has no reason/business to visit house of the victim. Applicant, therefore, has not came before this Court with clean hands. It was not case of the Applicant that he was called by the victim and he was falsely implicated. The explanation now sought to be given that Applicant had been to the house of the victim for the purpose of official work or other work, cannot be accepted.

6. There are specific allegations against Applicant of committing sexual assault on the victim in her house. The contention of the Applicant

with regard to obtainment of the bond of the same day for recording his confession is a matter of separate investigation to be carried out by the investigating officer. By that itself it cannot be said that the Applicant is falsely implicated in the crime. Since the Applicant is unable to explain satisfactory his presence at the house of victim at relevant time, he is not entitled for discretionary relief of pre-arrest bail.

7. In view of above, Anticipatory Bail Application stands dismissed.

(R. M. JOSHI, J.)

Malani