



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2406 OF 2025

SUNIL UTTAM DHERE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Applicant : Mr. D. P. Munde
APP for Respondents-State : Mr. B. B. Bhise
Advocate for Respondent No. 3 : Mr. S. B. Kendre

CORAM : SACHIN S. DESHMUKH, J.

Date : 17th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 11.07.2025 bearing Crime No. 208 of 2025 registered with Loha Police Station, Dist. Nanded for the offences punishable under Sections 137(2), 87, 78, 64(1), 49, 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The prosecution case is that the that the informant resides with her daughters, including the 17-year-old victim. The victim, who was residing in Nanded prosecuting her education, informed the informant in June 2025 that the accused, a relative, had been frequently visiting her room and college to pressure her

into marriage. Consequently, the victim was called back to her home. The informant and her husband confronted the accused and his mother regarding this behavior. Approximately eight days prior to the incident, the accused and his mother visited the informant's residence to formally demand the victim's marriage; however, the family refused the proposal as the accused was already married. On 09.07.2025, at approximately 22:45 hours, the accused forcibly entered the informant's house and abducted the minor victim on a motorcycle. Accordingly, the FIR came to be registered.

3. The learned counsel for the applicant submits that applicant and victim were in love relation and the same is apparent from the record and charge-sheet. However, because the family members of the victim are opposing the same, the applicant has been falsely implicated in this case. He further submitted that victim and applicant is having material match in age and the victim was well aware of consequences of her acts and deeds. As the investigation is complete, the charge-sheet has been filed, and nothing further remains to be recovered from the applicant, it is prayed that the applicant be admitted to bail.

4. The learned APP for the State and the learned counsel

appointed on behalf of respondent No. 3 vehemently opposed the application, submitting that the applicant is indulged in serious offenses. The conduct of applicant disentitles from claiming bail. Considering the serious nature of these offenses, it is contended that the applicant's release on bail would create a significant risk of tampering with evidence. Consequently, the APP and the learned counsel for respondent No. 2 pray for the application to be rejected.

5. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, it is prima facie evident that the victim was in a relationship. A perusal of the victim's statement, recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), reveals that the applicant never exercised force or coercion. The victim explicitly stated that she has been in a consensual love relationship with the applicant for the past year. This version, prima facie, undermines the prosecution's allegation of forcible abduction and indicates that victim's departure on 09.07.2025 was a voluntary act.

6. Moreover, the applicant and the victim are of contemporaneous age. Thus, prima facie, the factual matrix those

are emerging does not reflect any active inducement or coercive conduct on the part of the accused. The arrest of the applicant has been effected on 18.07.2025 and since then, he is in judicial custody.

7. Apart from the aforesaid aspect, the investigation is complete for all intent and purpose, resultantly, the charge-sheet is filed. Having regard to the number the witnesses, which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further incarceration of the application as an under-trial prisoner, in the circumstances of the case, does not seem to be either warranted or justified. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

8. Keeping in view the peculiar facts and circumstances of the case, the applicant's right to liberty needs to be upheld by imposing stringent conditions. The learned APP's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing certain stringent conditions. In that view of the matter, the applicant deserves to be released on bail.

9. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Sunil Uttam Dhere be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 208 of 2025 registered with Loha Police Station, Dist. Nanded for the offences punishable under Sections 137(2), 87, 78, 64(1), 49, 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012, on the following conditions :-
 - (a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (b) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicant shall submit his Aadhar or Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.

- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi