



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 144 OF 2026

RUSHIKESH VISHWNATH KHERDE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Ganesh Kedar
APP for Respondents-State : Ms. R. R. Tandale

CORAM : SACHIN S. DESHMUKH, J.
Date : 23rd February, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 25.08.2025 bearing Crime No. 270 of 2025 registered with Loha Police Station, Dist. Nanded for the offences punishable under Sections 64 and 69 of Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that the informant is a resident of Hipparga Shahadiwan, Tq. Kandahar and presently resides at Deshmukh Dhanora, Tq. Loha, District Nanded. Informant lives with in-laws, her husband and their two children. The marriage of informant was solemnized with one Taterao on 28.03.2012. Her husband is a truck driver by profession, and for

the first few years following the marriage, the couple resided in Hipparga before shifting their residence to Loha.

3. The applicant in this matter is the informant's maternal aunt's son and was well-known to informant. Since the year 2024, the applicant began frequently visiting her house in Loha, specifically during periods when informant's husband being driver was away on outstation duty. It is alleged that the applicant repeatedly insisted that informant bear him a child under the pretext of marriage. The informant reportedly maintained that they should not have physical relations unless and until they were married; however, the applicant allegedly established forcible physical relations with informant from time to time.

4. The informant allegedly disclosed these incidents to parents. In response, the parents of the applicant suggested that she should seek a divorce from her husband and marry the applicant instead. Despite the informant having undergone a family planning operation, the applicant continued to insist on having a child with her. On 01.07.2025, the applicant took the informant from Loha to Latur and confined her in a room and established physical relations against her will.

5. In the interregnum, on 03.07.2025, the informant's father lodged a missing report at the Loha Police Station. Due to the suspicions of the house owner in Latur, the couple was asked to vacate the premises. Subsequently, on 05.07.2025, they moved to a room belonging to a friend of the applicant, where further instances of forcible physical relations allegedly occurred.

6. While they were residing in Latur, the Loha police contacted the applicant's brother, leading to the parties being called to the Gandhi Chowk Police Station in Latur. At that time, informant was placed in the custody of the applicant. For the following five to six days, they wandered to various locations within Latur. Finally, on 13.07.2025, friends of the applicant arrived at Shivaji Chowk and took him away, leaving the informant alone. Informant subsequently approached the Shivaji Nagar Police Station in Latur and lodged the FIR accordingly.

7. The learned counsel for the applicant submits that it is the case of consensual relationship. The informant is a major, a mother of two children and has been married since 28.03.2012. The allegation of forcibly taken from Loha to Latur on 01.07.2025

and kept in various public and residential areas until 13.07.2025 without raising an alarm strongly indicates that informant was a willing participant in the journey. The investigation is complete and the charge-sheet is filed. Nothing remains to be recovered at the instance of applicant. Hence, it is prayed that the application be allowed.

8. The learned APP has vehemently opposed the application, submitting that the prosecution case reveals that the applicant, being a close relative, exploited the trust of the informant and the absence of her husband. The allegations clearly indicate that from 01.07.2025 to 13.07.2025, the informant was taken against her will to a different district and subjected to forcible physical relations. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence. As such, it is prayed that the application be rejected.

9. Considering the submissions of both sides and perusing the material on record, including the charge sheet, it is a matter of record that the informant is a 33-year-old married woman with two children, married since 28.03.2012. The allegations prima facie indicate that the applicant and the informant were involved in a

relationship since 01.01.2024. The narrative of the prosecution, which states that the informant was taken to various public places and police stations between 01.07.2025 and 13.07.2025 without raising an alarm, prima facie indicates a consensual element that requires a detailed trial to decipher.

10. As such, the informant consciously participated in the act, which prima facie indicates that she was aware of the consequences of her actions. Thus, prima facie, the factual matrix those are emerging does not reflect any active inducement or coercive conduct on the part of the accused.

11. Apart from the aforesaid aspect, the investigation of the case has been complete and eventually the charge-sheet is also filed. Nothing remains to be recovered at the instance of applicant. Thus, no fruitful purpose would be served by keeping the accused behind the bar.

12. 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.

13. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Rushikesh Vishwnath Kherde 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. 270 of 2025 registered with Loha Police Station, Dist. Nanded for the offences punishable under Sections 64 and 69 of Bharatiya Nyaya Sanhita, 2023, 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 and 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 the

concerned Trial 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