

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1070 OF 2026

|                             |               |
|-----------------------------|---------------|
| Tapendra Chandrasingh Karmi | ...Applicant  |
| <i>Versus</i>               |               |
| The State of Maharashtra    | ...Respondent |

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**Mr. Asshish Shukla** a/w Aman Singh, Arusha Mishra i/by Prachish Shukla, for the Applicant.

**Mr. Hitendra J. Dedhia**, APP for the Respondent - State.

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**CORAM:** R. M. JOSHI, J.

**DATED:** 2<sup>ND</sup> APRIL, 2026.

**PC:-**

1. The Applicant seeks his release on bail in connection with CR No. 723 of 2025 registered with Shrinagar Police Station, for offence punishable under Sections 64(2)(m), 89, 91, 92, 351(2), 115(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The First Informant / prosecutrix lodged a report in September, 2025 with the concerned police station making allegation that in the year 2017 the Applicant on the false promise of marriage established forceful physical relationship with her. The allegation is also made that when she became pregnant, she was forced to carry out abortion. There are other allegations made against the Applicant. The charge-sheet is filed on conclusion of investigation.

3. Learned counsel for the Applicant submits that there is no explanation for not lodging report in respect of incident of the year 2017 for a period of eight years thereafter. It is his submission that in NC dated 12<sup>th</sup> December, 2022 bearing No.3513 registered with Dharavi Police Station the prosecutrix claimed that she is wife of the Applicant. It is his submission that in view of the same allegation with regard to false promise cannot be sustained. It is his further submission that there is absolutely no evidence that abortion was caused that too by the Applicant.

4. Learned APP opposed the application by relying upon the statement of the victim. This Court has made a query to learned APP to point out any evidence collected during the course of investigation indicating causing of abortion of the prosecutrix by the Applicant. Learned APP on instructions as well as on the basis of charge-sheet submits that there is no such evidence found during the course of investigation.

5. *Prima facie* perusal of the FIR indicates that the First Informant / prosecutrix is making grievance in respect of an incident occurred in the year 2017. In the FIR there is no explanation as to why no report was lodged against the Applicant. Apart from this, there is no evidence to show that there was a false promise of marriage with forcible physical relation was established with her. Moreover, though allegations are made in the FIR with regard to forceful abortion, there is no supporting material in the charge-sheet.

6. Learned counsel for the Applicant submits that the Applicant has not committed any crime in India. Learned APP submits that report however indicate that the Applicant committed crime in Nepal.

7. After conclusion of the investigation and filing of charge-sheet, further custody of the Applicant is not necessary. The trial is not likely to commence and conclude in a reasonable period of time. The Applicant cannot be kept behind the bars by way of pre-trial sentence. Hence, bail application stands allowed.

#### ORDER

- i) The Bail Application is allowed.
- ii) In connection with C.R. No.723 of 2025 registered with the Shrinagar Police Station the Applicant be enlarged on bail on furnishing PR Bond of Rs.15,000/- with one surety in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicant shall not tamper with or interfere with the prosecution evidence in any manner whatsoever.
- iv) The Applicant shall attend all dates of hearing before the Trial Court unless exempted.
- v) The Applicant shall not contact the victim in any manner whatsoever.

8. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(R. M. JOSHI, J.)