

MHAU040001942026



**Criminal Bail Application No. 21/2026**  
**Rahul Dattu Salunke Vs. The State**

**Order below Exh.1**  
**(Dated : 13.03.2026)**

1. This is application for *regular* bail, under section 483 of BNSS, 2023 for enlarging him on regular bail in a Crime No.22/2026 under section 137(2), 64(1), 87 of the Bhartiya Nyaya Sanhita, 2023 and section 4 and 6 of the POCSO Act, registered at Virgaon Police Station.
2. The Investigating Officer and the learned APP opposed the application vide common say.
3. **Concise story of the prosecution case is as under :-**  
Informant/victim lodged report on 26.01.2026 alleging that, when victim was 11<sup>th</sup> standard she knowing applicant/accused . Accused told her he likes her and he loves her. Victim knew that applicant/accused is married person therefore she refused him. Still accused asking her for marriage. After two months victim accepted his offer and thereafter they fall in love-relationship.
4. In the year 2025 her parents went to her paternal aunt for meeting. On that day applicant/accused came to her house and established

physical relations with her. Whenever no one was in her house accused came to her house and had sexual intercourse with her.

5. Her parents started talking marriage talk about marriage of victim and fixed her marriage with son of her paternal aunt and she did not want to marry with him therefore she informed about it to applicant/accused therefore victim flee away with applicant/accused. Applicant/accused took him to Tuljapur and from there went to Solapur and stayed at one lodge and till 01.02.2026 they had physical relations between them. Thereafter they went to Barshi and returned back to Solapur. At there also at one hotel there were physical relations between them. Applicant/accused took victim at his sister's house. At there police came and took them to police station. Hence, this FIR.

6. Learned advocate for the applicant submitted that, the applicant is arrested on 16.02.2026. The applicant has no criminal antecedents. In the statement of victim/informant has stated that, she herself eloped with the accused as she was acquainted with the accused. With this, it is submitted that the case under section 137(2), 64(1), 87 of BNS, 2023 is not made out against the accused. The accused custodial interrogation of accused is not required. There is no recovery and discover from accused. Accused is ready to abide all the terms and conditions. With this, it is prayed to release the accused on bail.

7. Per contra, learned APP strongly resisted the application on the ground that, the offence is serious and the investigation is at initial stage. The accused is married man and he is having two kids. The victim is

minor. The the chances of tampering of evidence cannot be ruled out. With this, it is prayed to reject the application.

**8.** Post receipt of the notice the victim caused her appearance and filed her say on record. She raised strong objection for enlarging applicant/accused on bail.

**9.** Having heard submission and considering the facts of the case it appears from the FIR and statement of victim that the victim eloped with the accused. Admittedly accused is married man of 31 years of age. He eloped the minor inspite being married. He was knowing that victim is minor and only 17 years old. The statement recorded, it is mentioned that accused has established physical relationship with the victim.

**10.** Considering the age of victim and the act done by the accused, it appears that, the accused is of 31 years old and he eloped with 17 years old girl. Prima-facie he has committed sexual assault on the victim which she has vividly stated even in her statement. The offence is serious. The investigation is in progress.

**11.** Admittedly, the accused and victim are resident of same vicinity therefore, the allay raised by the prosecution as to tampering of witnesses cannot be ruled out. Even his chances of fleeing away pending the investigation cannot be ruled out. Considering the gravity of offence and severity of punishment and the act of the accused, I am not inclined to release the accused. Hence, order :-

**ORDER**

Criminal Bail Application No.21/2026 is rejected.

Date : 13.03.2026

(Smt. S. K. Upadhyay)  
Additional Sessions Judge,  
Vaijapur, District Aurangabad.