

MHKO080003312026	<u>CRI. BAIL A. NO.70/2026</u> <i>Shrishail Teli</i> <i>Vs.</i> <i>State of Maharashtra</i> <i>(Through Gadhinglaj P.S.)</i>
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-: FINAL ORDER :-

(Delivered on this 04th Day of July, 2026)

1. Applicant/accused moved this court vide Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking pre-arrest bail in connection with C.R. No.277/2026 registered with Gadhinglaj Police Station, Dist. Kolhapur, for the offence punishable U/secs. 69, 78(2), 115(2), 351(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and under Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii), 3(2)(v), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("Atrocities Act" for short). ***(Due to Mandate of the said Act, Identity of the Victim / informant is concealed.)***

2. ***Vignette outline of the FIR states in volume that*** the victim/informant hails from village Pernoli, Tal. Ajara, District Kolhapur. She belongs to the Mahar caste, which is recognized as Scheduled caste. She is married and having a son from said nuptial tie. Owing to their matrimonial discord, Since 2019, the victim informant is living separately under shelter of her parental home. She was serving as a nurse at *Sai Cardiac Hospital, Kolhapur*. Applicant is resident of village Mahagaon, Tal. Gadhinglaj. Somewhere in the month of November, 2025, on *Instagram* Social Media platform the informant got acquainted with accused No.1. Shortly, Intimacy was developed *inter-se* them and thus they indulged into love-affair. Since last year they are into love blooms wherein Shrishail gave promises to marry her and eventually at multiple places including Kolhapur,

they indulged into physical relationship. On the pretext of marriage applicant committed sexual intercourse with the victim informant despite having clear knowledge that she belongs to scheduled caste. Eventually, on 4th May, 2026 the victim informant unfolded her love affair with accused No.1 before applicants family members whereupon they shown disinterest and defied said marriage. At the same time his family members i.e. co-accused hurled casteist abuses to the victim informant. Later-on, to her utter shock and surprise, the applicant denied marrying and assaulted her at Goa, whereupon the victim committed suicidal attempt. Thus, the applicant Shrishail Teli committed repetitive rape on the victim informant under the pretense of false promises of marriage so also he along-with co-accused gave casteist abuses to her. The incident was reported to the police. On the *caudex* of report lodged by victim informant crime bearing No. 277/2026 was registered against all accused. Alleged offences are non-bailable in nature hence, applicant unfolded his apprehension for arrest. Ultimately, he moved this court with instant application and implored for conferring pre-arrest protection.

3. *Per* applicant, he is innocent and falsely implicated in the crime. He is nowhere concerned with the alleged felony. The bunch of *actus reus* posed against him are baseless. As such physical custody of present applicant is not required for any sort of custodial interrogation. He has never uttered any casteist abuses to the victim/informant. The charges under Atrocity Act are having no legs to stand upon. The ingredients of those sections are not attracted in the instant matter. Therefore, the charges are not tenable. It is further urged that, accused/applicant is ready to abide by the terms and conditions if any imposed upon him. He is ready to co-operate in the investigation. On all these counts applicant finally, implored for his release on suitable bail.

4. *Negating above stance* the prosecution raised stiff objections with their reply below Exh.07 and claimed for rejection of the bail. According to them alleged offences are serious and against the member of Scheduled Caste thereby attracting Atrocity Act. Present accused has played vital role in the offence whereby he is having common intention with other co-accused. If applicant is conferred with bail, then he would pressurize the informant and other witnesses and thus it will affect merit of the case. His custodial interrogation is significant. There is bar under Atrocity act for pre-arrest bail. On the count of gravity of crime, prosecution prayed for rejection of the application in *limine*.

5. Post receipt of the notice, the original victim informant caused appearance before this court and posed objection for freeing of the accused on bail, through her affidavit in reply below Exh.12. She expressed anxiety of repentance of similar crime at the instance of the applicant. Ultimately, she claimed for rejection of the bail application in entirety.

6. Heard learned Advocate *Mr. S.N. Fagare* on behalf of applicant and learned A.P.P. *Mr. S.A. Teli* for the prosecution. Also heard Advocate *Mr. Vishal V. Mane* for the victim informant, at deep length.

7. Mused over application, say and other material placed on record minutely.

8. Explored application, say and other relevant documents tendered by the rival parties keenly. Offence punishable under sections 69, 78(2), 115(2), 351(2), 352, 3(5) of the Bharatiya Nyaya

Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii), 3(2)(v), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are specifically alleged against all accused. ***Ultimately, the offence raised against the applicant are serious in nature and prescribe sentence for a term which may extend to 10 years.*** Incisively main allegations are against the applicant only. While appreciating merits of instant application, it needs to be noted, at the outset, that, the investigation herein has not been completed. It is in the basic stage wherein deep inquiries with the applicant/accused are awaited. ***His name is specifically mentioned in the FIR. Peculiar cum major role is attributed against him in recitals of the FIR.*** The investigation is in progress and not winded up. As such, the offence of Sexual intercourse by employing deceitful means is punishable with heavy sentence and there are elements of discovery at the instance of the applicant. His medical test is awaited. Different medical samples are to be taken wherein It required deep investigation and to that effect interrogation with applicant is significant. There are specific allegations against the applicant that on the pretext of marriage he committed sexual intercourse with the victim informant despite having clear knowledge that she belongs to scheduled caste. Eventually he refused to marry her. That way, it *prima facie* reveals that the applicant had sexual intercourse with the victim informant by making promises to marry her, *sans* any intention of fulfilling the same. Besides that, it is urged that the applicant too uttered filthy as well as casteist abuses to victim informant who belongs to the member of Scheduled Caste. His complicity in the crime is visible. ***It is urged by the prosecution that since lodging of FIR the applicant is absconding.*** The act cum words allegedly employed by the applicant are strongly humiliating. ***Despite knowing the caste of the informant, the applicant abused her in the name of her caste.*** As such *prima-facie* the provisions of Scheduled

Caste and the Scheduled Tribes Prevention of Atrocities) Act are invocable. There are very specific allegations with regards to offence vide Atrocities Act. Therefore, it would not be proper to grant protection to the applicant. ***As such the Bar Vide Sec. 18 of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities (Act) 1989 would prominently arise in these peculiar circumstances.***

9. On all preceding counts interrogation with applicant seems vital. His custodial interrogation is epochal for the purpose of recovery as well as discovery. In the eventualities' applicant do not deserve bail, **at the moment**. Hence, the order.

10. ***Ergo the order :-***

ORDER

1. Anticipatory Bail Application No. 70 of 2026 is Rejected.
2. Anticipatory Bail Application No. 70 of 2026 is disposed of accordingly.

Place: Gadhinglaj.
Date : 04/07/2026.

(Amit Anant Laulkar)
Judge, Special Court Cum
Additional Sessions Judge,
Gadhinglaj.