

CNR No. MHND080004122026 	<u>Criminal Bail Application. No. 78/2026</u> <u>Kaleshwar Vasant Tate</u> <u>Vs.</u> <u>State of Maharashtra</u>
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ORDER BELOW Exh.1

The present application is filed by the applicant under Section 482 of The Bharatiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS') for pre-arrest bail in connection with the C.R. No.185/2026 registered with Loha Police Station for the offence under Sections 137(2), 74, 75, 87, 3(5) of The Bharatiya Nyaya Sanhita, 2023 and Section 8, 12 of the Protection of Children From Sexual Offences Act.

2. In short, the prosecution case is that:-

Informant alleges that on 26-05-2026 the applicant alongwith co-accused abducted her minor daughter in a car. Hence he lodged report against the applicant and co-accused. Ultimately, FIR came to be registered.

3. The Investigating Officer has filed say through the learned APP vide Exh.06 and has resisted the application.

4. Heard both the sides .

5. It is argued on behalf of the applicant that the applicant is falsely implicated. He has not committed any offence. He submitted that there was love affair between the applicant and the victim. The victim herself went with the applicant and his friend. He submitted that there are no allegations of forcible

intercourse. He submitted that custodial interrogation of the applicant is not required. The applicant is ready and willing to abide by the condition which may be imposed on him. Hence, prayed for pre-arrest bail. The learned advocate for the applicant relied on following case laws:

- 1- Anirudha Radheshyam Yadav Vs. State of Maharashtra 2020 ALL MR (Cri.)1351 (Hon'ble Bombay High Court).
- 2- State of Maharashtra Vs. Surendra Kumar Mevalal Mahesh, 1998 (s) B.Cr.C.381 (Hon'ble Bombay High Court).
- 3- Sunil Mahadev Patil Vs. The State of Maharashtra, 2016 ALL MR (Cri)1712 (Hon'ble Bombay High Court)
- 4- Ashik Ramjan Ansari Vs. The State of Maharashtra & Anr, Criminal Appeal No. 1184 of 2019 dated 10th July, 2023 (Hon'ble Bombay High Court)
- 5- Sunita Devi Vs. State of Bihar & Anr. 2005 ALL MR (Cri) 511 (S.C.) (Hon'ble Supreme Court)
- 6- Shri Seiborlang Syiem and 2 Ors Vs. State of Meghalaya & Anr. Law finder Doc id. 2118286 (Hon'ble Meghalaya High Court)

6. On the other hand, the learned APP has strongly objected the application. He submitted that the offence is serious in nature. Victim girl was kidnapped by the applicant with the aid of his friend. The applicant is the main accused and he is absconding since commission of the crime. The car used in the offence is yet to seize. Investigation is in progress. He further submitted that the statement of victim reveals that there was sexual assault by the applicant on the victim girl, when they were

proceeding in a car. Therefore, custodial interrogation of the applicant is requisite. Hence prayed for rejection of the application.

7. I have gone through the record and the documents filed on record. The applicant is absconding from the date of incident. It appears that he had not co-operated the investigation till date. The informant in itself mentioned that applicant and co-accused were in car. The applicant kidnapped the daughter of the informant in the said car and that informant himself has seen the said fact. The statement of the victim reveals that applicant himself taken the victim minor girl in the said car. When they were proceeding in the said car he touched the victim with bad intention. The car was not seized till date.

8. The offence is serious in nature. Minor girl was kidnapped on the pretext of marriage. The investigation is in progress. The Investigating Officer has to seize the mobile phone, SDR, CDR of the applicant. Therefore, for detailed and effective investigation, custodial interrogation of the applicant is necessary including medical examination. I have gone through the case laws of Hon'ble Apex Court and Hon'ble Bombay High Courts relied upon by the applicant. None of these views are in respect of anticipatory bail. Hence, I am not inclined to exercise discretion under section 482 of the BNSS in favour of the applicant. Hence, I pass the following order:-

(4)

Cri. Bail Appln No.78/2026 (Order)

ORDER

The application is rejected.

Date : 22.07.2026

(A. P. Kulkarni)
Special Judge/
Addl. Sessions Judge,
Kandhar.

CERTIFICATE

I affirm that the contents of this PDF file order are same, word to word, as per the original order.

Name of stenographer	Anand P Deshmukh
Name of Court	Addl. Sessions Court-2, Kandhar
Date of Dictation	22.07.2026
Order signed by the P.O on	22.07.2026
Order uploaded on	22.07.2026

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