

IN THE COURT OF ADDITIONAL SESSIONS
JUDGE, BARAMATI, PUNE.
(Presided Over by Surekha R Patil)

Sessions Case No.51/2025

CNR No. MHPU-1400-0671-2025



Dnyandev Balbhim Khamgal

V/s.

State of Maharashtra

ORDER BELOW EXH. 02
(Delivered on this 02nd April, 2025)

The applicant/accused **Dnyandev Balbhim Khamgal** has filed this application for grant of bail u/sec.483 of Bharatiya Nagarik Suraksha Sanhita (Here in after, in short, B.N.S.S. 2023) in connection with C.R.No.05/2025 for the offences punishable u/Secs.75(1), 75(2), 78(2) and 352 of Bharatiya Nyan Sanhita, 2023 (In short 'BNS.'), registered at Baramati Taluka Police Station, Tal.Baramati, Dist.Pune.

2] Brief facts of the prosecution case are: -

The informant 'X' (name is not disclosed to withheld identity) is married woman having son and stating with her father and mother-in-law. Her husband is Army man and posted at Panjab. She is working woman and facing some problem in respect of her Sevarth ID. Since July 2024 she and her family know accused. Accused told her that he will help her to get her Sevarth ID work done. So, the informant along with

accused went to Pune for 4-5 times. They also went to Mumbai for the work of Sevarth ID twice. From 12/08/2024 to 18/08/2024 when she went to Mumbai with accused, accused take her on one lodge and proposed her saying that he loves her. Accused also tried to hug her. She resisted and told him that she has no such feeling and refused his proposal. Accused apologized and requested to the informant to continue the friendship relationship with him. Then she has paid the fee to accused for his help get done her work of Sevarth ID and asked accused to stop helping her.

3] It is further alleged by the informant that in October 2024 when the informant was alone in her house, accused came to her house, again proposed and hug her. At that time, she refused his proposal and again told that she don't have any feeling about him. At that time, the informant talked about the incident with her husband by phone call. Then accused and his wife came to meet informant at her working place. At that time, she narrated both the incident to his wife. Accused get annoyed and left that place.

4] Thereafter, he started messaging the informant and started stalking her. He forcibly tried to talk with her. The informant does not want to keep any relation with accused. So, she blocked him on all social platform. But, accused started sending mail to her. On 01/01/2025 accused came to her house and told that he still loves her , not able to control his feelings and

threatened her by saying that he is ready to face situation and consequences. So, being fed up with the behavior of the accused, the informant has lodged report against him on 03/01/2025.

5] On the basis of her report, crime vide C.R.No.05/2025 for offences punishable u/Secs.75(1), 75(2), 78(2) and 352 of BNS, came to be registered at Baramati Taluka Police Station, Tal.Baramati, Dist.Pune against accused. The accused has been arrested on 07/01/2025. He has been taken into judicial custody on 10/01/2025. So he has filed this second bail application for grant of bail and first bail application after charge-sheet.

6] Ld. APP & Investigating officer have filed their reply at Exh.3, contested the application and prayed for it's rejection.

7] The informant appeared in person before Court and orally stated the incident and objected the application on the ground that accused is giving threats to her. Her husband is working in Army and posted at Punjab. Her old aged father and mother-in-law and her son is staying with her. Accused threatened her in front of her husband and her family members. When she blocked accused on all social media platform, accused get annoyed and started harassing, stalking, threatening her in different manner. So, if accused released on bail it would be

difficult for her to live her life in society safely and securely.

8] It is submission of Ld. Adv. for the accused that, accused/applicant is permanent resident of Baramati. He is only earning member of his family. He is having two minor children and handicapped father. Accused is in jail since 10/01/2025. Family of accused is not having any other source of income. Charge-sheet is submitted against accused. So, if accused kept behind bar his family is going to suffer starvation. Accused is ready to abide all the conditions. Accordingly, prayed for releasing accused on bail.

9] Perused material placed on record. As pointed out by Ld. Advocate for accused, the allegation made by the informant against accused while filing report goes to show that accused has committed offence of stalking and outraging of modesty of the informant. The punishment provided for both these offences is not death or life imprisonment. It is also true that bail is rule and jail is exception. But the allegation made by the informant while filing report against accused and her submission before Court goes to show that the informant and her family members tried to convince accused. The informant has flatly refused the proposal of accused and requested him not to keep any contact or relation with her or her family members. The contents in FIR and oral submission of the informant before me further goes to show that

every time accused apologized and again repeated the same act. Now, it is case of informant that on 01/01/2025 accused threatened her that if she refused to accept his proposal he may go to any extent and ready to face the consequences. So, being fed up she has filed this report against him. These allegations and submissions made by the informant before Court and while filing report goes to show that since August 2024 till 1st January 2025 in spite of repeated request of the informant accused continued proposing the informant and contacting her. The informant has specifically made allegation that when she blocked accused, accused has started sending her mail. This act of accused goes to show that now he started crossing the limit.

10] It is true that there is no allegation of penetrative sexual assault. But the allegation made by the informant goes to show that she is staying alone with her son, father and mother-in-law. Her husband is working in Army and posted at Punjab. She is working woman. So, she doesn't have any alternative than to go out for work or for her any other domestic work. In such situation, the apprehension of the informant that accused may commit similar offence or even more serious offence with her appears to be genuine and natural one.

11] As pointed out by Ld. Advocate for accused, bail is rule and jail is exception. But in this case

admittedly accused is married and having kids. It is not his case that the allegations made by the informant are false. He is expressing his one-sided love feelings about the informant. Now he became aggressive. So the impact on the informant and her family in your society needs to be taken in to consideration in this case. Moreover, husband of the informant being Army man securing your country and your life. So, now it is duty of court of law and police to secure the life of family of Army man.

12] As pointed out by Ld.Advocate for accused, now charge-sheet is submitted against accused. But, the informant and the accused/applicant are staying in the same city. As pointed out above, the informant being single lady to look after her family has to go out of house for her work as well as for domestic work. In such situation, it would not be just and proper to grant bail to accused only on the ground that charge-sheet has been submitted against him.

13] This court as well as Ld.Trial Court has already rejected bail applications filed by the accused/applicant. There is no change in circumstance except submission of charge-sheet. Thus, in my opinion, the accused/applicant is not entitled to get bail.

14] Having regard to the above-mentioned facts and circumstances of the case, I am of the opinion that, the accused/applicant is not entitled for bail. I,

therefore, pass following order: -

ORDER

1. Application is rejected.
2. Inform to concerned Jail Authority through email.

Baramati.

Date: - 02-04-2025

(S.R.Patil)

Additional Sessions Judge,
Baramati, Dist.Pune.

“CERTIFICATE”

I affirm that the contents of this PDF file are same word for word as per original :-

Name of Steno : **Jagadish Narayan Kanki,**
(Stenographer Grade - I)

Court name : **Surekha R. Patil.**
Addl. Sessions Judge, Baramati

Judgment delivered on : **02/04/2025**

Judgment signed by PO on : **02/04/2025**

Judgment uploaded on : **02/04/2025.**