

**: ORDER BELOW EXH.1 IN CRI. MISC. APPLICATION NO.
24/2026 :**
(CNR No. MHRG15-000100-2026)
(Passed on 13.03.2026)

1) This is an application seeking a pre-arrest bail, made by applicant **Amit Sudhakar Tapkire**, concerning the offence punishable under sections 69, 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023, in Crime No.11/2026 registered with Mahad MIDC Police Station.

2) It is contended that the applicant is innocent and did not commit any offence. There is no *prima facie* case against him. There is a long and an unexplained delay in registering the crime. Whatever allegations have been levelled against the applicant presuming to be true, it is case of consensual relationship. The applicant was at Mantralaya, Mumbai up to 7.00 p.m. and did not visit Cozzet Hotel on that day. That clearly contradicts the contentions of the informant, and it is not possible to remain present at both places at the same time. The informant is a married woman and has two children. The applicant is also married person. Hence, there is an embargo as per sub-section (i) of section 5 of the Hindu Marriage Act, 1955 to get married by such persons. The applicant did never promise to marry or has had physical relations with the applicant against her will or on the basis of false promise. The informant has been using four mobile phones, however, only one phone number has been mentioned by her. The motive of the informant is to defame

applicant's reputation and to extract a huge amount from him. The applicant is ready to abide by all the conditions. He is a Government servant. There are no criminal antecedents against him. It is submitted to allow the application.

3) The Investigating Officer and the Ld. A.P.P. for the State, opposed the application by filing say (Exhs.5, 8, and 17). It is contended that the applicant and informant got acquainted through Social Media and then they started meeting each other. The applicant promised the informant of getting married. On 05.05.2025 the informant and her husband had quarreled, and the informant told it to the applicant. Thereon, the applicant called the informant to Cozzet Hotel, Mahad on 06.05.2025. At that place, the applicant made the informant to consume liquor and then she slept. On getting up, she found her clothes were disheveled and her body was aching. On that she found that the applicant committed physical relations with her against her wish. On that the applicant promised her of getting married. Thereafter also, 5-6 times the applicant committed such relations with her at Mumbai, however, he refused to get married with the informant. Therefore, the informant lodged the report.

4) It is contended that the investigation is partly completed. On visiting the places of residence of the applicant, he was not found. At his office, on inquiry, documents were obtained, according to which, he was at the office. Oral information was also got that he was at the office on 06.05.2025.

It is contended that the offence is very serious and the investigation is at a preliminary stage. The applicant has been concealing his presence and he would not co-operate in the investigation on grant of the application. The applicant is to be got medically examined, concerning the crime. The possibility of committing such and more grievous offence, cannot be ruled out on grant of the application. Hence, the application may be rejected.

5) The informant opposed the application by filing an affidavit (Exh.9). The contentions made in the Report are iterated. The further allegations have been made. It is contended that proper notice was not served on the informant. The applicant made false contentions in the bail application. He has not come before Court with clean hands. It is submitted to reject the application.

6) Heard both sides and perused the Case Papers. Ld. Advocate Mr. P. S. Patil for applicant, the Ld. A.P.P. Mr. Y. A. Tendulkar for the State, and Ld. Advocate Mr. R. B. Kadam for the informant iterated the contentions made in the application and say, respectively.

7) Ld. Advocate for applicant would submit that the applicant is ready to abide by all the conditions. It is submitted that all the allegations are denied. According to him, even if it is accepted that there were relations, those were consensual relations between married persons, therefore, they could not

marry during subsistence of their marriage. It is further submitted that the informant had made similar allegations against another person at Pune, during the same period. That person ultimately lodged report against the informant as she was trying to blackmail and extract huge amount from that person. The informant was arrested and came to be given bail after many months.

8) Ld. Advocate for the applicant submitted that detention of the applicant is not necessary. To bolster his submission he relied on citations, thus: (i) **Mahesh Balkrishna Dandane Vs. The State of Maharashtra, [2015 ALL MR (Cri) 2805]**; (ii) **Akshay Manoj Jaisinghani Vs. The State of Maharashtra, [In Anticipatory Bail Application No.2221 of 2016, Judgment dated 09.01.2017]**; (iii) **Samadhan S/o Sitaram Manmothe Vs. State of Maharashtra & Another, [2015 Legal Eagle (SC) 1206]**; (iv) **Pramod Kumar Navratna Vs. State of Chhattisgarh, [LAWS(SC)-2026-2-16]**; and (v) **Siddharam Satlingappa Mhetre Vs. The State of Maharashtra & Ors., [2011 (1) Crimes 109 (SC)]**.

9) The Ld. A.P.P. would submit that the offence is very serious, the applicant being employed at Mantralaya, itself is not a ground to grant a pre-arrest bail. It is submitted that the medical examination of the applicant is to be got conducted concerning the crime. The applicant has been concealing his presence and, therefore, the investigation is at a preliminary

stage. Hence, application may be rejected.

10) Ld. Advocate for the informant would submit the copies including printouts of chat on Social Media stated having taken place between the applicant and informant. The investigation could not be effectively conducted unless applicant is subjected to Police Custody.

11) Ld. Advocate for the informant, would rely on the citations, thus: (i) **M/s. Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra, (AIROnline 2021 SC 192)**. Wherein, the **Hon'ble Apex Court** was pleased to observe that except an exceptional cases the Court should not interfere at the stage of investigation. Those observations were made in respect of section 482 of the Cr.P.C. while deciding the Criminal Appeal; (ii) **Satender Kumar Antil Vs. Central Bureau of Investigation and another, (AIROnline 2025 SC 731)**. Wherein, the observations were made in respect of service of notice under B.N.S.S.; and (iii) **Vipin Kumar and 3 others Vs. State of U.P. and Another, [In Application U/s. 528 BNSS NO.45399 of 2025, Judgment dated 23.02.2026]**. Wherein, observations were made that when the survivor had not known in respect of marriage of the applicant, who established physical relations with the survivor, the discharge application was liable to be rejected.

12) It is seen that the informant is stated to be of 30 years married woman and has children. She is stated to have been on cross terms with her husband, and the applicant took benefit of

her situation. However, no report is stated having been lodged immediately, after the alleged first incident when her drink was stated to be spiked and the applicant forced himself upon her. The applicant is stated being employed with Government. Thus, his presence could be secured. He is from this District itself. No criminal antecedents have been pointed out against him.

13) Though, the case is stated having been registered against the informant, it is not yet decided against her.

14) Without going into further details, it can be said that the applicant is entitled to the protection, subject to certain conditions. The ratios laid down in the cited cases, relied on by the applicant, are helpful to him.

15) The ratios laid down in the cited cases, relied on by the Ld. Advocate for the informant, are not helpful to the informant, at this stage.

16) All other aspects need not be gone into detail while deciding the bail application. All in all the application is entitled to be allowed. Hence, the following order:-

: ORDER :

- 1) The application for grant of pre-arrest bail is allowed.
- 2) In the event of arrest of applicant **Amit Sudhakar Tapkire**,

concerning the offence punishable under sections 69, 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023, in Crime No.11/2026 registered with Mahad MIDC Police Station, he be released on personal bond of Rs.1,00,000/- (Rs. One lakh only), with one or two surety/sureties, in the like amount, on following conditions:-

- (a) He shall not directly or indirectly make any inducement, threat or promise to any of the witnesses and shall not tamper the prosecution evidence.
- (b) He shall attend the concerned police station on 16.03.2026, 23.03.2026, 30.03.2026, and 06.04.2026 from 10.00 a.m. to 3.00 p.m., and as and when ordered by the Investigating Officer, according to law.
- (c) During the period of the presence at the police station, if any recovery is made at the instance of the applicant that period will be considered as applicant's police custody remand (P.C.R.) for the purpose of recovery.
- (d) He shall furnish his detail address, contact number, names and addresses of two relatives with their phone numbers.
- (e) He shall not commit any offence.

- (f) He shall not leave India without permission of this Court.
- (g) He shall surrender his Passport to the police within 15 days from today.
- (h) Inform to concerned Police Station.

Mangaon.
Date: 13.03.2026.

(S. T. Bhalerao)
Additional Sessions Judge,
Mangaon, Dist. Raigad.