

MHSO050003252026



ORDER BELOW EXH.1 IN CRIMINAL BAIL
APPLICATION No.140/2026
(Nilesh @ Nitin Waghmare Vs. State - Through P.I.
Pandharpur Taluka)

1 Present application is filed under section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.). The applicant was arrested in Crime No.155/2026 registered at Police Station Taljuka.

2 Learned advocate for the applicant submitted that the allegations made against the applicant that he induced victim under promise of marriage and performed sexual intercourse with her. He made such promise with intention not to fulfill it and suddenly he stopped relation with victim and refused to perform marriage. Actually, no such incident was happened. Due to this false complaint, this applicant was arrested by police. He is in jail since 28.02.2026. Police got sufficient opportunity to interrogate this applicant and also carried out investigation. Almost all the investigation is completed by the police, therefore, presence of this applicant is no more required. Hence, application may be allowed and applicant may be released on bail. Prosecution on one occasion alleging that this applicant committed rape number of time with victim and on the other hand alleged that this applicant induced victim to have sexual intercourse as per Sec.69 of BNS. Both the offence would not be attracted at a time. It shows that at the most offence punishable under Sec.69 of BNS would be attracted and maximum punishment is only 10 years. Hence, the application may be allowed.

3 Learned APP submitted that this applicant is knowing that victim is already married in spite of it, he established friendly relation with victim and induced her to have sexual intercourse with him. If this applicant be released on bail, there are chances that he would put pressure on the victim and create hurdle in the investigation. Hence, the application may be dismissed.

4 Victim is present before the Court and she submitted that if this

applicant is released on bail, he would put pressure on her.

5 On perusal of record, it finds that, the applicant is in jail since 28.02.2026. It means police got sufficient opportunity to interrogate this applicant and carried out investigation. Total prosecution case is depend on statement of victim and her medical examination. Said medical examination was already carried out. Also statement of victim was immediately recorded by I.O. It shows that almost all the investigation is completed by the police. At this stage, it is not necessary to make any comment whether the offence under Sec.64(2)(M) or 69 of BNS would be attracted or not. After filing charge-sheet and after considering the evidence, it would be decided which offence would be attracted. But so far as condition of investigation is considered, almost all the investigation is completed by the police, therefore, presence of this applicant in jail is no more required. Therefore, the application is entitled to be allowed. Hence, following order.

ORDER

- 1 The Bail application is allowed.
- 2 Applicant Nilesh @ Nitin Namdev Waghmare be released on bail in sum of Rs.50,000/-(Rupees Fifty Thousand only) with surety in like amount on following conditions:
 - a The accused/applicant shall not tamper with the prosecution evidence.
 - b The accused/applicant shall not pressurize on the witnesses directly or indirectly and shall not commit such type of offence.
 - c The accused/applicant shall attend Taluka Police Station on every Friday for the period of three months during 10.00 a.m. to 5.00 p.m. or till filing of charge sheet;
 - d The applicant shall not to visit in the vicinity where the victim usually resides for three months or till filling the charge-sheet whichever is earlier.
 - e Bail before Judicial Magistrate Court. Inform to the concern Judicial Magistrate. F. C.

- 3 Violation of any of the above conditions may entail a ground for cancellation of bail forthwith.

Date :01.04.2026

(O. R. Deshmukh)
Additional Sessions Judge, Pandharpur

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

- a) Name of the Stenographer : S. A. B. Shaikh, Steno Grade - I
- b) Court : Add. Sessions Judge, Pandharpur
- c) Date of Order : 01.04.2026
- d) Order signed by the : 01.04.2026
Presiding Officer on
- e) Order uploaded on : 02.04.2026