

MHKO010024992026



ORDER BELOW EXH.1 IN CRI. BAIL APPLN.NO.622/2026

(Rajendra Liladhar Bhate Vs. State of Maharashtra)

1] Perused application and say filed by I.O. and APP. Heard Advocate for applicants No.1 and 2 and APP for State. First informant appeared and filed say. Perused say and heard Advocate of first informant.

2] This bail application is filed under section 482 of the Bharatiya Nagarik Suraksha Sanhita, (Hereinafter referred as 'BNSS') by applicants in respect of apprehension of their arrest in Crime No.312/2026 registered at Rajarampuri Police Station for offences punishable under sections 115(2), 85, 352, 3(5) of Bharatiya Nyaya Sanhita, 2023 (Hereinafter referred as 'BNS'). First Informant married with accused No.1 on 20/11/2019. It is second marriage of both first informant and accused No.1. After marriage first informant started co-habitted with accused No.1 at Ambegaon, Pune. Parents of accused No.1 i.e. applicants No.1 and 2, were residing at Sangli and first informant, accused No.1 used to go to Sangli occasionally for festival purpose. Accused No.1 treated well first informant for initial days. After 10 to 15 days from marriage accused No.1, applicants No.1 and 2 started mentally and physically harassing first informant. Accused No.1 doubted on her, forcibly sexually harassed her. In March-2020 it revealed that first informant was pregnant but there was no change in behaviour of accused No.1 and applicants. After birth of girl child, they all ill-treated her, accused No.1, demanded divorce from her and for that purpose he made false allegations, doubted on her character, abused and beat her. Accused No.1 did not take responsibility of their daughter. He was in habit of consuming liquor and was doing trading and suffered financial loss. He took stridhan and other ornaments of first informant. He never took her for outing, he used to angry with her. On 15/3/2026 accused No.1 gave kick and

fist blows to her by consuming liquor and on 16/3/2026 he drove her away with daughter. Since then she is residing with her parents at Kolhapur. Before Bharosa Cell on 13/4/2026 accused No.1 tried to show that there was mistake of first informant and he pressurized her for giving divorce. On 20/7/2026 matter was sent for counselling but accused No.1 avoided to attend. So first informant was constrained to lodge report.

3] According to applicants, they are falsely implicated in this case. They never committed alleged offences. They are well reputed persons, notice under BNSS was not given to them and due procedure is not followed. Accused No.1 is pressurized by first informant and her parents to settle matrimonial dispute by demanding huge amount. Matter is pertaining to matrimonial dispute and it arose due to extra marital affair of first informant. There are false allegations about taking away stridhan and gold ornaments of first informant by accused No.1. FIR is afterthought and counterblast to matrimonial proceeding initiated by accused No.1. There is inordinate delay in filing FIR. Divorce proceeding is pending between parties before Family Court and after receipt of notice, first informant lodged FIR with intention to pressurize and harass accused No.1 and applicants. Case is based on documentary evidence and nothing is to be recovered from applicants so their custodial interrogation is not necessary. Applicant No.1 is 68 years old and retired. Applicant No.2 is 58 years old and housewife. They are resident of Mirzapar, Gujrat. They have no criminal antecedents. Due to levelling of offences p/u/s. 85, 115(2), 3(5) etc. of BNS there is apprehension in their mind about their arrest. They are ready to abide conditions and they prayed to grant protection u/s. 482 of BNSS.

4] APP, I.O. and first informant objected application on the grounds that investigation is going on. There are allegations of mental, physical ill-treatment and harassment of first informant by accused No.1 by consuming liquor. Applicants No.1 and 2 instigated accused No.1 to harass first informant. They all drove away first informant from house. Before Bharosa Cell after counselling, accused No.1 and his parents pressurized first

informant to grant divorce. Notice u/s. 35(3) of BNSS is to be sent. Applicants failed to remain present in police station though they were contacted on phone. They have not co-operated during investigation. There is possibility of tampering prosecution evidence by giving threat and pressure to first informant and witnesses. So they prayed to reject application.

5] Allegations against applicants are serious. From statement of First informant role attributed to applicants can be gathered. It is undisputed fact that marriage between first informant and accused No.1 was solemnized on 20/11/2019 and it is second marriage of both of them. On 22/10/2020 first informant delivered girl child. As per allegations prior to that and after birth of girl child, accused No.1 and applicants No.1 and 2 mentally, physically harassed first informant by doubting her character and by making false accusations. Accused No.1 used to beat, abuse first informant by consuming liquor. He was doing trading and suffered financial loss. He took away marriage string, stridhan and other ornaments of first informant. He avoided responsibility of girl child. He drove away first informant and girl child from house on 16/3/2026 and did not co-operate in counselling process before Bharosa Cell. Applicants No.1 and 2 instigated accused No.1 to harass first informant. Advocate of applicants submitted that it is matrimonial dispute and FIR is outcome of divorce proceeding filed before Family Court. After receiving notice in divorce proceeding, as a counterblast FIR is filed. Applicants never ill-treated, mentally and physically harassed first informant, accused No.1 never avoided responsibility of his daughter and they denied all the allegations in FIR. Advocate of applicants filed copy of FIR, complaint application filed by him before Commissioner, Pune, copy of Exh.1 in Divorce proceeding u/s. 27(a) and (d) of Special Marriage Act which is filed on 8/4/2026, their Aadhaar cards. According to applicants, accused No.1 gifted ornaments to first informant and in that regard bills of gold ornaments are filed.

6] APP and first informant submitted that she never pressurized to settle materitional dispute by demanding huge amount. Per contra she was

harassed by accused No.1 and his parents for reasons mentioned in FIR. Accused No.1 took loan on gold ornaments. Photograph of naming ceremony of daughter is filed. In police papers there are statements of first informant, her parents and neighbour.

7] If facts of this case are considered then after marriage for about considerable period i.e. since 2019 till March 2026, first informant and accused No.1 co-habited, out of wedlock first informant delivered girl child in October 2020. Various instances and incidents are mentioned in FIR which happened since 2019. However prima facie there was no complaint application, NC report filed by her for more than 5 years. It is material to note that divorce proceeding is pending between both of them before Family Court as per provisions of Section 27 (a),(d) of Special Marriage Act, petition is dt. 8/4/2026 and then FIR is filed. APP for State submitted that police wants to issue notice u/s. 35(3) of BNSS and there is non-co-operation of applicant. Advocate of applicants emphasized that first informant pressurized to settle matrimonial dispute. As matrimonial dispute is pending, in view of allegations, limited role attributed to applicants and due to all above aspects, custodial interrogation with applicants are not required. Apprehension in their mind is reasonable. Applicant No.1 is 68 years old and retired. Applicant No.2 is 58 years old and housewife. They are resident of Mirzapar, Gujrat. They have no criminal antecedents. In view of allegations, if certain strict conditions with attendance and co-operation during investigation are imposed, it will suffice the purpose. Therefore following order is passed.

ORDER

- 1] Application is allowed.
- 2] In the event of arrest in C.R. No.312/2026 registered at Police Station, Rajarampuri applicants No.1 Rajendra Liladhar Bhate and 2) Mrs. Madhuri Rajendra Bhate be released on executing P.R. bond of Rs.50,000/- each with one surety each in the like amount.
- 3] Applicants shall not tamper the prosecution evidence in any manner.

- 4] Applicants shall attend concerned police station between 11.00 a.m. to 2.00 p.m. once in a month till filing of charge-sheet.
- 5] Applicants shall not threat, pressurize first informant and prosecution witnesses.
- 6] Applicants shall co-operate investigating machinery by providing necessary information, documents, as and when required.
- 7] Inform to concerned Police Station accordingly.
- 8] Since the bail application is filed online, separate physical copy of this order is not maintained. All concerned to act upon digitally signed copy of this order uploaded online.

Date -04/08/2026.

[Smt. R. V. Adone]
Additional Sessions Judge,
Kolhapur.

Certificate

“ I affirm that the contents of the P.D.F. File order are same word for word as per original order.

Sd/-
[A.A.Patil]
(Stenographer G-1)