



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

982 BAIL APPLICATION NO. 2011 OF 2024

ADITYA ANIL PAWAR

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Gore Ravindra Vitthal

APP for Respondent/State: Mr. A. A. A. Khan

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CORAM : ARUN R. PEDNEKER, J.

DATE : 05<sup>th</sup> DECEMBER, 2024

PER COURT:

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he was arrested on 10.10.2024 in connection with Crime No.884/2024, dated 09.10.2024, registered with MIDC Waluj Police Station, District Aurangabad, for the offences punishable under Sections 376, 506 of IPC, 1860.

3] It is the case of the prosecutrix that she was studying in the Engineering College in the year 2023. She came across the present applicant, who was also studying in the same college. After initial communication, relations developed between them. On completion of their course the applicant asked the prosecutrix, whether she would marry him. On her consent, the parents of the applicant visited the house of the prosecutrix somewhere in the month of July-2023. In the

meeting held for marriage, the parents of the prosecutrix informed the parents of the applicant to give some time to them and thereafter consider the marriage and the parents of the prosecutrix had given time of six months to them. Their relations continued for six months and there were physical relations between them. It is stated in her complaint that the applicant on the basis of the promise to marriage had sexual intercourse with her though she was not willing for the same. Thereafter, on various occasions when she asked the applicant about marriage he avoided the same. She informed her parents accordingly and, thus, her marriage was fixed with some other person namely Shankar Pandhare.

It is further stated that after marriage the applicant communicated to the husband of the prosecutrix about his relations with the prosecutrix on phone by virtue of which the relations between the husband of the prosecutrix and prosecutrix broke and she was driven out of home by her husband. As such, the applicant has filed the present case under the above sections.

The applicant is arrested on 10.10.2024. The investigation is over in the matter. Prima facie, perusal of the complaint would indicate that there was consensual relations. It also cannot be inferred that at the outset the applicant did not intend to marry the prosecutrix. The applicant apparently was willing for marriage and, as such, the applicant along with his parents has gone to the prosecutrix's residence for fixing marriage.

4] In the case of **Pramod Suryabhan Pawar Vs. State of Maharashtra and another**, 2019 (9) SCC 608, the Hon'ble Supreme Court has held that the promise of marriage must have been a false

promise, given in bad faith and with no intention of being adhered to at the time it was given.

However, the applicant along with parents had visited the house of prosecutrix for the purpose of fixing marriage, as such, prima facie, it cannot be said that there was a false promise of marriage made by the applicant.

5] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.884/2024, dated 09.10.2024, registered with MIDC Waluj Police Station, District Aurangabad, for the offences punishable under Sections 376, 506 of IPC, 1860, on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

6] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

7] It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8] The application stands disposed of.

**[ARUN R. PEDNEKER, J.]**

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