



**THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPEAL NO. 14 OF 2025**

1] Amol Kadubapu Warkar,  
Age : 24 years, Occu.Aгри.  
R/o. Khopadi, Tq.Kopergaon,  
Dist.Ahmednagar.

versus

1.The State of Maharashtra  
Through Pundlik Nagar,  
Police Station,Aurangabad.

2. XYZ

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Advocate for Appellant : Mr. J.R.Nawale  
APP for Respondent Nos. 1 : Mrs. Chaitali Choudhari Kutti  
Advocate for Respondent No.2 : Mr. Suvidh Kulkarni

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**CORAM : SHAILESH P. BRAHME, J.**

**DATE : 20<sup>th</sup> MARCH 2025**

**FINAL ORDER :**

1. Being aggrieved by rejection of Regular Bail vide order dated 04.12.2024 below Exhibit-61/D in Special Case No.603 of 2024 by Special Judge, Aurangabad, this appeal is filed. The appellant is in jail since 14.08.2024.Charge-sheet is filed on 03.10.2024.

2. The appellant is facing allegations that informant is being sexually and physically harassed by him. She was being cheated and induced her to keep physical relations under the promise of marriage. When she lodged report bearing Crime No. 87 of 2023 against the appellant, tricariously appellant contracted marriage on 13.03.2023 just to get rid of the clutches of law. She was made to settle her grievance before the Court so as to procure order of bail. Even Crime No.87 of 2023 was got quashed by representing High Court that she was consenting for the quashing. No sooner than the offence was quashed, he showed his real colour and deceitfully abandoned her. He abused her on caste and threatened her. Thereafter on 15.07.2023, there was again confrontation in the public place. Respondent No.2 lodged report on 13.08.2024.

3. Learned counsel Mr.Nawale appearing for the appellant submits that there was delay of one year in registering F.I.R. The appellant and the respondent No.2 were in relationship and thereafter even got married. Therefore, no offence is made out. It is submitted that offence bearing Crime No.87 of 2023 was quashed by

High Court. Learned counsel for appellant referred to the statement of Dattu Bhimrao Raut as well as marriage certificate to show that there was a marriage.

4. Learned counsel for the appellant further submits that incident of 15.07.2023 quoted in F.I.R is false. There was no phone calls between the parties. The complaint of the respondent No.2 is after-thought. The respondent No.2 herself is involved in offence bearing N.C.R. No.15 of 2023. It is submitted that there is no need for custodial interrogation.

5. Learned APP relies on the affidavit-in-reply. It is submitted that the appellant has played fraud not only on the informant but on the Court also. By misleading Division Bench of this Court, order of quashing was procured on 10.07.2023 in Criminal Application No.1732 of 2023 which is later on recalled vide order dated 15.01.2024 by the self-same bench. It is further submitted that appellant is a history-sheeter and involved in three more offences which are disclosed in paragraph No. 7 of the reply. It is submitted that dishonesty of the appellant is evident on record and he is not

entitled to the relief.

6. Learned counsel Mr.Kulkarni appearing for respondent No.2 also relies on the affidavit-in-reply. It is submitted that appellant suppressed material facts of the previous order passed in by the High Court. The informant has been exploited by the appellant taking disadvantage of her feeble position. She was given false promises. The marriage solemnized with the informant was only to overcome criminal action. It is submitted that due to the harassment of the appellant, non-cognizable reports were lodged on 09.11.2023 and 10.02.2024 by the informant. Lastly, it is submitted that the proceedings for cancellation of anticipatory bail are pending in the High Court.

7. I have considered rival submissions of the parties and gone through relevant papers. The respondent No.2/informant is a divorcee who has liability of minor son staying with her. The appellant was in relationship from 2021 to 2023 with informant. His parents and brother threatened the informant from getting married with appellant. Respondent No.2 lodged report bearing Crime No.87

of 2023 for offence under Sections 376,376(2)(n),313,504,506 of I.P.C. Initially anticipatory bail was procured by misleading the informant. The marriage contracted with her on 13.03.2023 was very strategic

8. Immediately he approached High Court vide Criminal Application No.1732 of 2023. Informant was made to tender her consent for quashing. It was quashed vide order dated 10.07.2023. When the informant pointed out the mischief by approaching High Court, the order was recalled by the Division Bench on 15.01.2024. Following are the relevant observations :

4. There cannot be any dispute over the legal proposition The fact is, however, that respondent no.3 had brought the applicant before this court and made her give express consent to get the FIR and the consequential proceedings quashed. It is true that the applicant herein gave similar consent in the application for bail Thereafter, i.e., no sooner we allowed the application for quashing of the F.I.R., respondent no.3 herein deserted the applicant. Sane suggests that his intention was otherwise. He made false promise and brought her (applicant) before this court to give consent. As such, it was not a consent in the eye of law. We are, therefore inclined to recall the order.

9. Considering sequences of events, I am of the considered view

that the appellant strategically exploited the informant. On multiple times she was being assaulted sexually and mentally also. The respondents have rightly submitted that appellant has committed fraud not only on the informant but even on Court also. This dishonest conduct disentitles him to seek any protection from the Court. Even order of pre-arrest bail obtained in Crime No. 87 of 2023 is also under re-consideration. The mischief of the appellant is apparent on record.

10. It is rightly pointed out by learned counsel Mr.Kulkarni appearing for respondent No.2 that appellant did not disclose in the appeal memo, the earlier proceedings and the orders passed by the High Court in Criminal Application No.1732 of 2023. There are in all four offences registered against him for which there is no dispute. Besides that informant was required to file non-cognizable reports on 09.11.2023 and 10.02.2024 which shows constant indulgence of the appellant in harassing the informant. I find that statement under Section 164 of Cr.P.C (Section 183 of B.N.S.S.Act,2023) of the informant is also recorded.

11. Thus I find that there is clinching material against the appellant. Just because there was consensual relationship and later on there was marriage between the parties, no benefit of this can be given to the appellant. Prima-facie the marriage between the parties was ostensible one designed to get rid of consequences of Crime No.87 of 2023. This is not a fit case to grant any relief to appellant.

12. Accordingly, Appeal stands dismissed.

**[ SHAILESH P. BRAHME, J.]**

vsj