



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

ANTICIPATORY BAIL APPLICATION NO.317 OF 2025

Sachin Milind Pagare

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. A. S. Khedkar

APP for Respondent-State : Mr. S. P. Sonpawale

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CORAM : ARUN R. PEDNEKER, J.

Dated : April 25, 2025.

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with FIR No. 49/2025, registered at Karmad Police Station, District Chhatrapati Sambhajinagar, for offences punishable under Section 64(2)(m) of the *Bharatiya Nyaya Sanhita*.
3. This Court, by order dated 03/03/2025, granted interim protection to the applicant, observing that the relationship between the informant and the applicant appeared *prima facie* to be consensual in nature.
4. In the present case, the allegation against the applicant is that the informant, aged about 25 years, was working as a Customer Relationship Manager at Pagariya Auto, where the applicant was also employed as a Service Manager. As they were colleagues, they were well acquainted with each other. It is alleged that on 13/01/2025, the applicant took the informant to Sai Lodge, Ladgaon, on his bike and established physical relations with her on the assurance of marriage. Thereafter, a dispute arose between them, and the applicant allegedly refused to marry her. The informant has claimed that

the applicant maintained physical relations with her under the false pretext of marriage and subsequently avoided fulfilling the promise. The applicant, in his defence, has produced certain WhatsApp chats exchanged between him and the informant.

5. The learned Counsel for the applicant submits that the relationship between the parties was *prima facie* consensual and that both the applicant and the informant are adults.

6. *Per contra*, the learned Counsel assisting the learned APP submits that if consent is obtained on a false promise of marriage, such consent cannot be regarded as valid, as it is vitiated by fraud.

7. Having perused the WhatsApp Chat exchanges, it *prima facie* appears that the promise of marriage was not false from its inception and the physical relationship was consensual. However, these are matters that require further consideration during trial. Considering this aspect, the Court had earlier granted interim protection to the applicant. *Prima facie*, the Court found the relationship to be consensual and hence granted interim anticipatory bail to the applicant. After grant of interim protection no further adverse material is procured against the applicant during investigation. Considering the same, interim protection can be confirmed. However, it is clarified that these findings are limited to the purpose of granting anticipatory bail and shall not be treated as conclusive or relied upon during the trial. The interim protection granted to the applicant is thus confirmed.

8. In view of the above, the application is allowed in the following terms: -

i] In the event the applicant is arrested in connection with FIR No.49/2025, registered at Karmad Police Station, District Chh. Sambhajinagar, for the offences punishable under sections 64(2) (m) of Bharatiya Nyaya Sanhita, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when called by the police.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

9. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

10. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.