IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 ANTICIPATORY BAIL APPLICATION NO. 1086 OF 2025

Shubham Sopan Bansode ..Applicant

Versus

The State of Maharashtra and Another ..Respondents

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Advocate for Applicant : Mr.N.N.Desale h/f. Mr. Mali Amol Sudam
APP for Respondent no.1 : Mr.S.M.Ganachari
Advocate for Informant : Mr. Subodh P. Shah

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 19 AUGUST, 2025
PRONOUNCED ON : 21 AUGUST, 2025

ORDER :

1. Applicant seeks anticipatory bail in connection with crime bearing no.0259 of 2025 registered with Loni Police Station, District Ahilyanagar for the offence punishable under Sections 69, 351(2), 352 of the Bharatiya Nyaya Sanhita.

2. It is pointed out that informant is major. Admittedly, there was long acquaintance since 2018 and love relations. That, informant willingly joined applicant to several places. That, there was no force, whatever relations were in between them were consensual. That,

there was no promise of marriage at any point of time. That, directly in 2025, allegations are raised about forcible rape. Learned counsel pointed out that Informant also visited applicant's house and attempted to commit suicide threatening to perform marriage. That, even her parents were aware of their relations. Therefore, relations between informant and applicant were consensual and due to long love relations, there is no question of forcible sexual intercourse or any sexual act against her will and wish. That moreover, it is an attempt to blackmail. That, applicant is ready cooperate with the investigation and his custodial interrogation is not necessary.

3. Learned APP as well as learned counsel for informant have both strongly opposed application on the ground that serious offence is committed. That, under false promise of marriage, victim has been exploited with no intention to keep the promise. That, thorough investigation is necessary and for above reasons, relief is opposed.

4. After hearing above submissions and on visiting the FIR, as submitted, it does emerge that informant is 24 years young lady. She has admitted acquaintance and love relations. Episodes of being taken to a lodge and on the promise of marriage, having sexual

intercourse are of 2018. On realizing that applicant is not going to perform marriage, she seems to have attempted to commit suicide by visiting house of applicant and applicant's mother shifted her to the hospital and she came to be discharged on 25-04-2025. She claims that parents of accused also agreed to perform their Court marriage but on further questioning how they are going to manage, there were allegations of abuse and threat by the family members of the applicant and hence, she has approached Police with above report.

5. As is emerging, admittedly, there is long acquaintance and even love relations for sufficiently long time i.e. since 2018. Informant is 24 years of age and is thus adult. Considering the same and when what is to be further recovered or discovered is not made known by the prosecution, no case for custodial interrogation is made out. Hence, application deserves to be allowed. Accordingly, following order is passed :

ORDER

(i) Application is allowed.

(ii) In the event of arrest of applicant in connection with crime No.0259 of 2025 registered with Loni Police Station, District Ahilyanagar for the offence punishable under

Sections 69, 351(2), 352 of the Bharatiya Nyaya Sanhita, he shall be released on executing P.B. and S.B. of Rs.20,000/- with one surety in the like amount.

(iii) The applicant shall attend the concerned Police Station as and when called by the Investigating Officer and co-operate in the investigation.

(iv) The applicant shall not tamper the prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE

SPT