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

ANTICIPATORY BAIL APPLICATION NO. 1394 OF 2025

Somnath S/o Dilip Mamdapure. ... Applicant

Versus

The State of Maharashtra ... Respondent

.....
Mr. C.D. Biradar, Advocate for Applicant
Mr. M.K. Goyanka, APP for Respondent – State
.....

CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 21 AUGUST, 2025
PRONOUNCED ON : 22 AUGUST, 2025

PER COURT :-

1. Apprehending arrest in Crime No.0542/2025 registered at MIDC Police Station, Latur for offence under sections 69, 351(2) of Bharatiya Nyaya Sanhita, applicant has preferred instant anticipatory bail application.

2. According to learned counsel, there is false implication. That, informant is a married lady having a child. That, she has alleged above offence being committed against her will and wish. Learned counsel took this court through FIR and would submit that, acquaintance is since July 2018 and as such, it is long acquaintance. That, whatever relations developed were consensual and were not

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forceful. Learned counsel pointed out that, informant and applicant being both married, there is no question of promise of marriage and then maintaining relations. Learned counsel has placed on record WhatsApp messages exchanged between them. For above reasons, contending that applicant is ready to co-operate with the investigation machinery, relief of anticipatory bail is urged for.

3. Learned APP opposed on the point that there is exploitation on promise of marriage. That, informant has clearly stated about threat to make photograph viral and against her wish, sexual relations are maintained. For thorough and effective investigation, learned APP prays to dismiss the application.

4. Heard. Perused the FIR. As submitted, informant, who is 26 years of age, is married and also seems to have a son. She reported that, while she was she used to travel in a bus to her parents place regularly, she came in contact with applicant who was conductor of a bus. Their acquaintance grew and they interacted on mobile. She reported that, in March 2020 she had lodged report against applicant for outraging her modesty, but again stated that in 2022 applicant started calling her and even promised to marry her. Believing him, she claims that, she again developed and maintained contact on Instagram. She had reported that, on 13.01.2025 while she was at

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her sister's place, applicant came and again on the promise of marriage, maintained physical relations with her. Similar episode happened on 15.01.2025 also. Subsequently, he started avoiding her and hence, above report seems to have been lodged.

5. Above discussion and material shows that informant is a married lady and apparently, there is long acquaintance. Episodes of 13.01.2025 and 15.01.2025 are reported on 02.07.2025, only when applicant allegedly disconnected his relations.

6. In the light of above, custodial interrogation does not seem to be necessary and further investigation can be carried out by securing the presence of applicant. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No.0542/2025 registered at MIDC Police Station, Latur for offence under sections 69, 351(2) of Bharatiya Nyaya Sanhita, he shall be released on executing P.B. and S.B. of Rs.15,000/- 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 shall co-operate in the investigation.

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- (iv) The applicant shall not contact the informant in any manner.
- (v) The applicant shall not tamper the prosecution evidence in any manner.

**ABHAY S. WAGHWASE,
JUDGE**

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