



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1551 OF 2025

Kedarnath Wamanrao Sanap

VERSUS

The State Of Maharashtra And Another

...

- Mr. P. P. More, Advocate for Applicant
- Mr. A. S. Shinde, APP for Respondent Nos. 1 and 2 – State
- Mr. R. A. Jaiswal, Advocate for the victim/complainant

...

WITH

CRIMINAL APPLICATION NO. 3646 OF 2025
IN ABA/1551/2025

CORAM : MEHROZ K. PATHAN, J.

DATED : 27.11.2025

PER COURT :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant has approached this Court apprehending arrest in connection with FIR bearing Crime No. 0364 of 2025, dated 25.07.2025, registered with Bhusaval Bajarpeth Police Station, District Jalgaon, for the offences punishable under sections 74, 308(2), 351(2), 351(3) of the BNS, 2023.
3. The prosecution case, in brief, is that the co-accused, who is

the son of the present applicant, allegedly extracted money from the first informant on the pretext of making viral a video recording in which the informant was allegedly seen in an indecent manner. The role attributed to the present applicant is that when the first informant contacted him and informed him about the alleged acts of his son, the applicant allegedly branded her as a liar and threatened to kill her and her son.

4. It is submitted by the learned counsel for the applicant that pursuant to the interim protection granted by this Court by order dated 09.09.2025, the applicant has cooperated with the investigation. It is further submitted that the prosecution has already filed the charge-sheet before the concerned Magistrate on 07.10.2025, including against the present applicant. In view of completion of investigation and the protection already granted by this Court, the learned counsel prays that the interim relief be confirmed.

5. As against this, the learned APP and the learned counsel for the victim vehemently oppose the application submitting that serious allegations are made against the applicant. It is contended that although the FIR initially refers to threats and criminal intimidation, the subsequent statement of the complainant recorded on 25.07.2025

contains allegations of rape not only against the son of the applicant but also against the present applicant, and therefore, considering the heinous nature of the offence, the application deserves rejection.

6. It is their further submission that the application was moved to the Superintendent of Police on 23.07.2025. However, the First Information Report does not record any such allegations of forcible sexual intercourse on the threat at the behest of the present applicant and as such the application may be rejected.

7. I have gone through the charge-sheet made available for perusal of this Court by the learned counsel for the applicant. The perusal of the supplementary statements of the victim dated 28.07.2025, speaks about the entirely different story than that of the First Information Report. The First Information Report would show that, even the allegations of extortion on the threat of making the nude video viral is against the son of the applicant - Azad Kedarnath Sanap. It is alleged that he abused and did not returned the money despite of assurance. In the subsequent supplementary statement dated 27.07.2025, the complainant has alleged forcible sexual intercourse that too in the month of February by not only Azad but also by the present applicant - Kedarnath Wamanrao Sanap. Surprisingly, though the applicant and

his son has allegedly committed rape upon the complainant in the month of February, the said allegation does not find place either in the representation made to the Superintendent of Police dated 22.07.2025 nor in the First Information Report dated 25.07.2025. Thus, taking into consideration the nature of allegations against the present applicant, the apparent inconsistencies in the prosecution version, and the fact that the applicant has cooperated with the investigation pursuant to the interim order dated 09.09.2025, I am inclined to confirm the said interim order. The observations made herein are prima facie in nature and are made only for the purpose of deciding the present application and shall not influence the Trial Court.

8. Accordingly, I am inclined to protect the applicant. The interim order dated 09.09.2025 is hereby confirmed and shall operate on the following additional conditions.

ORDER

- A)** The Applicant is directed to attend the concerned police station and report to the Investigating Officer on every Saturday between 05:00 p.m. to 07:00 p.m. and as and when called, until framing of charge.
- B)** The Applicants shall also cooperate with the investigation.

- C) The Applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - D) The applicant shall furnish a copy of his Aadhaar Card or any other valid photo identity proof to the Investigating Officer at the time of execution of the bond and shall inform the Investigating Officer of his current residential address and mobile number, and any change thereto, from time to time.
9. Needless to say, violation of any of the aforesaid conditions may entitle the prosecution to seek cancellation of bail.
10. In view of the above, the Anticipatory Bail Application is disposed of.
11. The pending applications, if any, also stands disposed of.

(MEHROZ K. PATHAN, J.)