



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

ANTICIPATORY BAIL APPLICATION NO. 1953 OF 2025

KIRAN BAPU BHAPKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Rahul R. Karpe a/w
Mr. Aeja Pathan

APP for Respondents/State : Mr. R.K. Ingole

Advocate for Respondent No.3 : Mr. Usmanpurkar Aniruddha S.
(Appointed through Legal Aid)

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CORAM : MEHROZ K. PATHAN, J.

DATE : 18th DECEMBER 2025

PER COURT :

1. Heard the learned Counsel for the Applicant and the learned APP for the State.
2. The Applicant has approached this Court, seeking anticipatory bail in connection with Crime No.328/2025 registered with Belwandi Police Station, District Ahilyanagar for the offences punishable under Sections 64, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023.
3. The learned Counsel for the Applicant submits that, if the allegations in the FIR are seen, they show that the relations between the Applicant and the complainant date back to November 2024,

when the Applicant is alleged to have committed forcible sexual intercourse with the complainant for the first time. He further submits that the incident is stated to have taken place on 29.09.2025, whereas the FIR came to be registered only on 03.10.2025. No explanation has been given in the FIR regarding the delay in lodging the complaint, except that the complainant was not in a proper mental state to file the complaint against the Applicant, and that she lodged the FIR only after consultation.

. It is further submitted by the learned Counsel for the Applicant that the Applicant is aged 28 years, whereas the complainant is 25 years. The Applicant was in a consensual physical relationship with the complainant, who is already a married woman. The false implication of the Applicant thus cannot be ruled out. The Applicant is not having any criminal antecedents and is ready to abide any conditions that may be imposed by this Court.

4. As against this, the learned APP vehemently opposes the present application on the ground that the Applicant has committed rape on the married woman of the same village. The statement of the father and the husband of the victim is recorded, wherein they reiterated the incident dated 29.09.2025. Thus it could be seen that the Applicant has committed forcible sexual intercourse with the complainant which is corroborated with the statement. Thus this is not a fit case to grant anticipatory bail as serious charges are leveled against the Applicant. Looking to the gravity of the offence, the Applicant may not be released on bail as there is every likelihood that

the Applicant may again threaten the prosecutrix and cause prejudice to the trial.

5. I have gone through the investigation papers made available by the learned APP. The allegation in the FIR shows that the consensual physical relationship had commenced from the month of November, 2025 between two consenting adults. The complainant is aged 25 years whereas the Applicant is aged 28 years. The FIR itself shows that the husband of the complainant was out of station from 25.09.2025 and thus the complainant and the Applicant appears to have decided to meet at the matrimonial house of the complainant. The statement of the husband of the complainant also does not inspire any confidence, to show that the Applicant had committed forcible sexual intercourse against the will of the complainant. However these observations are prima facie in nature and are made only to decide the present application and the same may not influence any other proceedings before any other Court. The apprehension of the learned APP as well as the assisting appointed Counsel for the complainant can be taken care of by imposing conditions, as I am of the opinion that the Applicant shall be protected. Hence the following order :

ORDER

(i) In the event of arrest of the Applicant - Kiran Babu Bhapkar in connection with Crime No.328/2025 registered with Belwandi Police Station, District Ahilyanagar for the offences punishable under Sections 64, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023,

he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties in the like amount, on the following conditions :

(a) The Applicant shall attend the Belwandi Police Station, District Ahilyanagar on every Friday and Saturday between 11:00 am. to 01:00 pm., till the filing of the charge-sheet.

(b) The Applicant shall not enter the village Kolgaon, Taluka Shrigonda, till framing of the charge, except for attendance.

(c) The Applicant shall not tamper with the prosecution evidence and shall not influence the witnesses.

(d) The Applicant shall submit his Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

(e) A single violation of the conditions would entitle the prosecution to seek cancellation of the bail.

(f) The fees of the appointed Counsel for the Respondent No.3 is quantified as per Rules by the Sub-Committee of the High Court Legal Aid Services.

(ii) The application is allowed in the above terms and stands disposed of.

MEHROZ K. PATHAN
JUDGE

NATJEB..