



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

**918 ANTICIPATORY BAIL APPLICATION NO. 1906 OF 2025
WITH
CRIMINAL APPLICATION NO. 4520 OF 2025**

**PAWAN GANESHRAO INGOLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

.....

Mr. D. M. Shinde, Advocate for Applicant
Mr. A. A. A. Khan, APP for the Respondent/State
Mr. V. S. Kadam, Advocate for assist to PP

**CORAM : MEHROZ K. PATHAN, J
DATE : 04.12.2025**

P. C. :-

1. The applicant approached this Court seeking anticipatory bail in Crime No. 0498/2025 registered with Ardhapur Police Station, District Nanded for the offences punishable under Sections 64-1, 74, 88, 89, 351-2, 351-3 r/w 3-5 of the Bharatiya Nyaya Sanhita.

2. The case of the prosecution is that she knew the applicant as they both are from same village and sometimes applicant used to drop her to college. On 25.02.2025 due to Shivaji

Jayanti programme, she was in college till 7.00 pm., the victim was waiting for auto. At that time applicant came there and offer her a lift. She accepted the said offer and sat on his motorcycle. He stopped the vehicle at one place and outraged her modesty and told her not to disclose the incident to anyone, stating that he was likely to marry her. Thereafter, they used to talk over the phone; the applicant would sometimes pick her up and drop her home, and they would also go to movies together.

. On 18.03.2025 at around 12.00 pm the applicant picked her from college under the guise of going to a movie, took her to a lodge and committed sex her without her consent. Thereafter he told her not to disclose this incident to anyone otherwise he would commit suicide. He used to say that he was going to marry her, therefore, the victim did not tell to anyone about incident.

. On 29.05.2025 at around 12:00 p.m., the applicant took the victim from her college and, under the guise of taking her out, brought her to a lodge. The victim resisted going to the lodge, but the applicant again threatened to commit suicide, due to which she

accompanied him. At the lodge, the applicant gave her a chocolate and a tablet, after which she lost consciousness. Upon regaining consciousness, she realized that she had been ravished by the applicant. Thereafter, he dropped her at a location from where she went home. The victim did not disclose the incident to anyone because the applicant had repeatedly threatened to commit suicide.

. On 11.07.2025, the applicant gave the victim a lift in his car and subsequently asked her to use the Prega-News kit he had brought to check for pregnancy. After using the kit, the result was found to be positive. On 12.07.2025, the victim again conducted the test, and the result was positive. The victim informed the applicant of the result, and on 27.07.2025, the applicant gave her five Gestapro tablets and instructed her to take three tablets in a day. The victim was not willing to take the tablets, but the applicant again threatened to commit suicide, due to which she consumed them. She subsequently experienced severe stomach pain, and after two days, i.e., on 31.07.2025, a miscarriage occurred. After that the victim continued to experience pain, so the

applicant took her to a hospital on 12.08.2025. The doctor performed a TVS procedure and informed her that some parts of the embryo were still present in the uterus, for which treatment was provided. After this, the victim and her family members approached the applicant's family to discuss fixing the marriage, but the applicant's family refused and further gave threats. Based on these allegations, the crime was registered.

3. The learned counsel for the applicant Mr. Shinde submits that the nature of allegations in the first information report itself indicates that initiation of the relationship between the complainant and the applicant was consensual and therefore, the offence of rape cannot be said to be made out as against the applicant. The applicant had a relationship with the complainant from February, 2025 and it is only when the parents of the girl had come to know about the relationship that the first information report came to be lodged with false allegations against the applicant.

4. He further relies upon the photographs annexed to the application to demonstrate that the girl had never objected to the

relationship between her and the applicant, and that she appeared to be enjoying a friendly relationship with him without raising any complaint. The promise to marry allegedly given by the applicant, was deliberately inserted in the first information report whereas no such allegations can be proved that the applicant never had any intention to perform the marriage. The consent thus by a major girl cannot be vitiated by a false understanding or a promise given by the applicant. The allegations in the first information report as well as the photographs taken from the mobile phone of the applicant, would suggest that there was consensual cordial relationship between the applicant and the complainant who were the residents of the same village. He, therefore, submits that the applicant is a young boy and is not having any criminal antecedents and therefore would abide the terms and conditions that may be imposed by this Court if he is released on bail.

5. As against this learned APP and learned counsel for the complainant, vehemently opposed the grant of anticipatory bail to the present applicant. It is their submission that the applicant had no intention to marry the complainant and had fraudulently

obtained the consent on the false promise of marriage and committed forcible sexual intercourse upon her repeatedly. There is ample evidence to show that the applicant took the complainant with him to a lodge at Nanded and then applicant had also administered a tablet and committed the forcible sexual intercourse upon her. The learned APP Mr. Khan further submits that the register extract of the said hotel at Nanded, is obtained along with the relevant documents submitted by the applicant and the complainant which shows that the applicant had used the said lodge on the dates as mentioned in the first information report. The statement of the Anand Pallewad- owner of the Vedant Hotel is also recorded which shows the presence of the present applicant along with the complainant on the date as mentioned in the FIR. He further relies upon the medical termination paper obtained from the concerned Doctor and recorded the statement of the Doctor who had conducted the termination of pregnancy of the girl. Thus, the learned APP and learned counsel for assisting the prosecution submit that there is ample evidence has been collected by the prosecution during the course of investigation, to prove the charges of rape against the present applicant and also the charge of illegal

termination of pregnancy at the behest of the present applicant by administering tablets and also taking the girl to the concerned Doctor for aborting the fetus. Hence, they submit that this is not a case for grant of interim relief to the applicant.

6. I have gone through the investigation papers made available by the learned APP Mr. Khan. The perusal of the statement of the Doctor who had conducted the medical termination of the pregnancy of the girl would show that it is the victim alone who had approached her for termination of the pregnancy. Moreover, the perusal of the photographs would show that appears to be a consensual relationship between the applicant and complainant, from the month of February, 2025 and that despite there being many opportunities available for the complainant to report any forcible intercourse at the behest of the applicant, by administering any tablets there is not a single complaint on record earlier to show that the applicant has ever administered any stupefying substance and committed intercourse. The age of the girl who is 21 years and she was major at the time of commission of offence. The Hotel Manager's statement and

documents also reveal presence of complainant at Hotel, however, no hue and cry was made by complainant to the Hotel Manager or thereafter to any other person about forcible sexual intercourse or by administering any stupefying substance by applicant. The relationship *prima facie* appears to be consensual, however, these observations are made only for the purpose of deciding of the present application and may not influence any other proceedings before any other court. The apprehension of the learned APP and learned counsel for assisting to PP can be taken care of by imposing stringent conditions upon him. Thus, taking into consideration the allegations and the evidence collected by the prosecution during the course of investigation, I am inclined to protect the present applicant. Hence, following order:

ORDER

(I) In the event of arrest of the Applicant – Pawan Ganeshrao Ingole, 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, in connection with Crime No.0498/2025 registered with Ardhapur Police Station, District Nanded, for the offences punishable under Sections 64-1, 74, 88, 89, 351-2, 351-3 r/w 3-5 of the Bharatiya Nyaya Sanhita on the following conditions:

(a) The Applicant is directed to attend the concerned police station and report to the Investigating Officer in a week on every Tuesday and Wednesday between 12:00

p.m. to 02:00 p.m. till filing of the charge-sheet and co-operate with the Investigating Officer.

(b) The Applicant shall not tamper with the evidence and shall appear before the Investigating Officer as and when required, apart from the days already mentioned above.

(c) The applicant shall not entered the village Malegaon, Tq. Ardhapur till the framing of the charge and recording of evidence of the prosecutrix.

7. Application stands disposed of accordingly. Application for assisting the prosecution also stands disposed of accordingly.

(MEHROZ K. PATHAN, J)

ssp