



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

ANTICIPATORY BAIL APPLICATION NO. 2249 OF 2025

**ASHISH SHYAMSUNDAR KHATIK
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicants : Mr. Hanumant P Jadhav
APP for Respondents/State : Mr. A.S. Shinde

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**CORAM : MEHROZ K. PATHAN, J.
DATE : 17 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.0902/2025 registered with Shirdi Police Station, Dist. Ahilyanagar for the offences punishable under Sections 69 of the Bharatiya Nyaya Sanhita, 2023.
3. The case of the prosecution is that the marriage between applicant and victim was fixed between the families and applicant on the pretext of pre-wedding shoot brought victim at Shirdi and applicant committed rape on her on the pretext of marriage and thereby committed an offence.
4. The learned Counsel for the Applicant Mr. Hanumant Jadhav submits that the Applicant is an innocent person and is no way

concerned with the alleged crime. The applicant has been falsely and maliciously implicated in the alleged crime. The learned counsel for the applicant further submits that the alleged incident is stated to have occurred between 30.06.2024 and 01.07.2024, whereas the FIR came to be registered on 23.09.2025 after an inordinate delay of more than 1 year 2 months and 23 days. The complainant has not offered any satisfactory explanation for such delay, which creates serious doubt about the genuineness of the allegations and suggests an afterthought. The complainant is admittedly a major woman and she had voluntarily accompanied the applicant to Shirdi. The stay in the hotel for 2 days was with her free will and consent the allegations disclose a consensual relationship arising out of an engagement, there is no deceitful intention and therefore the essential ingredients of section 69 of the Bharatiya Nyaya Sanhita, 2023 are not prima facie made out and hence the Applicant may be released on anticipatory bail.

5. As against this, the learned APP Mr. A. S. Shinde submits that the Applicant is involved in the present crime. The applicant after engagement had induced the victim for a pre-wedding shoot and brought her at Shirdi and on the pretext as to they would soon be marrying despite of resistance of victim, applicant committed sexual intercourse. The consent was obtained from the victim on the basis as she was engaged with applicant and had full trust as to applicant would marry her. It is their further submission that the applicant since inception had no intention to marry the victim. The accused has cheated the complainant by giving her the false promise of marriage. The applicant induced victim to keep sexual relations without intending to marry her and deceived for satisfaction of his lust. The consent was

obtained fraudulently. The learned APP therefore submits that application may be rejected.

6. I have gone through the allegation in the FIR and the order passed by session court. The perusal of the same shows the victim and applicant are resident of Gwalior, M.P, the engagement ceremony between victim and complainant was solemnized on 13.05.2024 as per the rites and rituals wherein the bride party has given 5 lakhs and gold ornament in the Tilak ceremony. The marriage was fixed on 18.01.2025 as alleged after engagement ceremony the applicant induced the victim to visit Shirdi for Darshan as well as pre-wedding shoot and as they were engaged the victim came along with applicant. It is further alleged the applicant booked 1 room at Shirdi and stayed from 31.06.2024 to 02.07.2024. It is alleged that during the stay the applicant on the pretext of getting married obtained the consent and despite of resistance committed sexual intercourse with the victim.

7. Taking into consideration the nature of the allegations and the ingredients of section 69 of BNS 2023, being made out, I am not inclined to exercise discretion in favour of the applicant as the custodial interrogation of the applicant would be necessary. The application accordingly stands rejected and disposed of.

MEHROZ K. PATHAN
JUDGE

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