

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 66 OF 2025

Jaydev Bhavansing Shivshingwale ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Tejas Hilage, Advocate for the Applicant.

Mrs. Veera Shinde, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 13th JANUARY, 2025.

P.C.:

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.573 of 2024 registered with Solapur Taluka Police Station, District : Solapur Rural, for the offences punishable under Sections 69 and 351(2) of the Bhartiya Nyaya Sanhita, 2023 (for short “BNS”).
3. According to the prosecution, in June-2017 the applicant and the prosecutrix got acquainted with each other. The applicant represented to the prosecutrix that he was a divorcee. He promised the prosecutrix to marry her and on that pretext committed sexual intercourse with her on multiple times.
4. In November-2017, the prosecutrix became pregnant.

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She revealed about it to the applicant and told him to marry her. It is alleged that the applicant has, however, avoided to do so on one pretext or other. According to the prosecution, the applicant made her to abort the pregnancy, and thereafter refused to marry her on the ground that he is already married and has two children.

5. I have heard learned counsel for the applicant and learned A.P.P. for the Respondent – State.

6. The learned counsel for the applicant submits that the certain amount was borrowed by the prosecutrix from the applicant and when the applicant had asked her to return the said amount, she had lodged the false report. In support of the submission, the learned counsel for the applicant has placed on record certain documents. The learned counsel for the applicant in the alternative submits that the case of the prosecution even if accepted as it is, the only inference, which can be drawn is that the relationship between the prosecutrix and the applicant was consensual. It is submitted that there is a delay in lodging the report and therefore considering the overall facts the applicant may be released on anticipatory bail.

7. Learned A.P.P. for the Respondent-State submits that the applicant was married. It is submitted that Section 69 of the BNS

Act is clearly attracted in the present case. It is submitted that considering the nature of offence, the applicant may not be released on anticipatory bail.

8. Section 69 of the BNS reads thus :

“69. Whoever, by deceitful means or by making promise to marry to a woman without any intention of fulfilling the same, has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.”

9. Though the applicant was married he misrepresented to the prosecutrix that he was divorcee. He promised to marry her and on that pretext committed sexual intercourse with her. *Prima facie* Section 69 of BNS is thus attracted in the present case. The defense of the applicant that the prosecutrix has lodged the false report as he told her to return the amount borrowed by her does not appear to be probable as it is not shown when the demand was made. Considering the over all facts and circumstances of the case, I am not inclined to grant anticipatory bail to the applicant. The application is rejected.

(N. R. BORKAR, J.)