



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 347 OF 2025

AKSHAY @ AKSHAYKUMAR AJAY
PANDHARE
VS
STATE OF MAHARASHTRA

...APPLICANT

...RESPONDENT

...

Adv. Kotali Ramji Tukaram for the Applicant.

Adv. Avinash A. Naik, APP for the State.

HC/417 S. R. Chavan, Vijapur Naka Police Station, Solapur City.

...

CORAM : RAJESH S. PATIL, J.

DATED : MARCH 3, 2025

P.C.:

1. This application is filed by the applicant for grant of anticipatory bail under Section 482 of The Bhartiya Nagarik suraksha Sanhita, 2023 in C.R. No. 446 of 2024 registered at Vijapur Naka Police Station for the offences punishable under Section 64, 75, 78, 351(2), 127(2) of Bharatiya Nyaya Sanhita, 2023.

2. Based on the complaint, the FIR has been lodged against the present applicant. It has been narrated in the complaint about the acts done by the present applicant.

3. Learned counsel for the applicant submits that it was the informant who was sending text messages and whatsapp message to the

present applicant. There was a love affair between the applicant and the first informant. The complaint has been lodged by the first informant due to the pressure put up to her by her husband. In the present proceedings, there is nothing to be recovered from the present applicant and hence, the custody of the applicant is not necessary. The applicant is ready to comply with the conditions imposed by this Court.

4. The learned APP submits that there are specific allegations of rape against the present applicant. In the statement recorded under Section 164 of Cr.PC., the said facts has been brought to light by the first informant. He submits that present applicant has given threats to the first informant that he will make viral their photographs on social media. Under such threats, the applicant has committed forceful rape on the first informant. In order to save her marriage and so also to protect her husband and family, as the applicant had threatened her to kill her husband and family members, the first informant avoided to lodge the complaint initially against the present applicant. However, the applicant continued to act of stalking her. He even tried to catch hold her hand and kept repeatedly calling on her mobile phone. While stalking, he used to be on a two wheeler. The police wants custody of the said two wheeler and mobile phone also. The applicant is not co-operating with the police. The Police requires to interrogate the applicant for which the physical custody of the applicant would be

necessary in order to complete the investigation.

5. I have heard both the sides and have gone through the FIR and documents produced before me. Applicant has threatened the first informant that he will make viral their photographs clicked earlier on social media. The applicant had in fact told the first informant that he will kill her husband and her twin daughters and her father also. Putting the first informant under duress, the applicant committed forceful rape on the first informant. In such a situation, where the first informant is a married lady of twin daughters, there is every possibility of the applicant pressurizing and threatening the family members of the first informant and is likely to tamper the evidence. Therefore, I find no merits in the present anticipatory bail applicant. **Anticipatory bail applicant is stands rejected.**

(RAJESH S. PATIL, J.)