

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

ANTICIPATORY BAIL APPLICATION NO. 1363 OF 2025

Nihal Papabhai Sayyad	...Applicant
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr. Vikrant Shinde for Applicant.

Mr. Aditya Parmar for Respondent No.2.

Mr. A. S. Shalgaonkar, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th SEPTEMBER 2025

P.C.

1. Applicant is apprehending arrest in Crime No.118 of 2025 registered with Shahupuri Police Station, Dist. Satara for the offences punishable under Section 64(2)(m) of the Bhartiya Nyaya Sanhita (for Short “BNS”).

2. It is prosecution’s case that on 3rd October 2024 to 20th February, 2025, the applicant sexually assaulted the first informant without her consent and forced her to take contraceptive pills.

3. It is contention of learned counsel for applicant that applicant is the husband of first informant. Due to family dispute, this complaint is filed. The Applicant is on interim relief and he has

co-operated with the investigation. Hence, requested to allow the application.

4. It is contention of learned APP and learned counsel for Respondent No.2 that divorce is taken place between the applicant and first informant and after divorce, the applicant has sexually assaulted the first informant. Considering the allegations against the applicant his custodial interrogation is required. Hence, requested to reject the application.

5. I have heard all learned counsels, perused the FIR and documents placed on record. The applicant and first informant were husband and wife. The first informant is major. There is 52 days delay in lodging the complaint. The applicant is on interim relief and he has co-operated with the investigation. Considering these facts, his custodial interrogation is not required. Hence, I pass the following order.

ORDER

- (i) Application is allowed;
- (ii) Interim relief granted to applicant is made absolute.
- (iii) In the event of arrest, the applicant be enlarged on bail in Crime No.118 of 2025 registered with Shahupuri Police Station, Dist. Satara, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

6. The application is allowed in the aforesaid terms and is accordingly disposed off.
7. It is made clear that the above observations are made only for the purpose of granting anticipatory bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)