

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

ANTICIPATORY BAIL APPLICATION NO. 2432 OF 2025

Rahul Rajendra Nikam

...Applicant

Versus

State of Maharashtra And Anr.

...Respondents

.....

Mr. Ashok Mundargi, Senior Counsel a/w Mr. Meghdeep M. Oak,  
Advocate for Applicant.

Mr. Vikrant Shinde a/w Ms. Bhavika Shinde, Advocate for Respondent  
No.2.

Ms. P.S. Rane, APP for the Respondent No.1-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 18<sup>th</sup> DECEMBER, 2025

PC.

1. The Applicant is apprehending arrest in Crime No.254 of 2025 registered with Shahupuri Police Station, Dist. Satara for the offences punishable under Sections 64(2)(m), 69, 115(2) of the Bhartiya Nyaya Sanhita, 2023 (for Short "BNS").

2. It is prosecution's case that the applicant got friendship with the first informant during period from January-2020 to May-2025. The applicant sexually assaulted the first informant at several places on the promise of marriage, but thereafter he refused to marry with her.

3. It is contention of learned Senior Counsel for applicant that the sexual relationship between the applicant and first informant were consensual. The first informant is major. Investigation is completed and charge-sheet has been filed. The applicant is ready to cooperate with the investigation. Hence, custodial interrogation of the applicant is not required and requested to allow the application.

4. It is contention of learned APP and learned counsel for Respondent No.2 that the applicant had sexual relationship with the first informant on the promise of marriage, but thereafter, he refused to marry with her, it shows that since inception he wanted to cheat the first informant. The consent given by the first informant was under promise of marriage. It cannot be considered as free consent. Custodial interrogation of the applicant is needed for seizing his mobile and other material. Hence, requested to reject the application.

5. I have heard learned Senior Counsel, learned APP and learned counsel for Respondent No.2, perused the FIR and documents placed on record. It appears from record that the physical relationship between the applicant and first informant were for five years. First informant is major. Investigation is completed and charge-sheet has

been filed. Considering these facts, his custodial interrogation is not required and I pass the following order.

**ORDER**

- (i) Application is allowed;
  - (ii) In the event of arrest, the applicant be enlarged on bail in Crime No.254 of 2025 registered with Shahupuri Police Station, Dist. Satara, on executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
  - (iii) The applicant shall attend the concerned police station as and when required and cooperate in investigation.
  - (iv) The applicant shall not contact the first informant and prosecution witnesses.
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.)