IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2659 OF 2025

Shashikant Borse ...Applicant
V/s.
The State of Maharashtra & Anr. ...Respondents.

WITH

ANTICIPATORY BAIL APPLICATION NO. 2657 OF 2025

Hrushikesh S. Borse ...Applicant
V/s.
The State of Maharashtra & Anr. ...Respondents.

WITH

ANTICIPATORY BAIL APPLICATION NO. 2717 OF 2025

1. Praful Vijay Chavan
2. Sarla Vijay Chavan ...Applicants
V/s.
The State of Maharashtra & Anr. ...Respondents.

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Adv. Fauzan a/w. Ms Kanchan Pawar for the Applicants in ABA/2659-2657/25.
Mr. Balwant Salunkhe (through VC) for the Applicants in ABA/2717/25.
Mr. B.V. Holambe Patil, APP for the Respondent/State.
Adv. Ashwin Dubey a/w. Adv. Vishal Sheth for Respondent No.2 in all matters.

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CORAM : N.R. BORKAR, J.
DATE : 24.12.2025.

P.C. :

1. All these applications filed for anticipatory bail are arising out of one and the same crime. They are thus being disposed of by this common order.

2. The applicants are apprehending their arrest in Crime No.510 of 2025 registered at MIDC Police Station for the offences punishable under Sections 316(2), 351(2), 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The applicant Nos.1 and 2 – Praful and Sarla in ABA No.2717 of 2025 are the husband and mother-in-law of the first informant respectively. The applicant-Shashikant in ABA No. 2659 of 2025 is the maternal uncle of the first informant and the applicant in ABA No. 2657 of 2025 is the son of the applicant-Hrushikesh in ABA No.2659 of 2025.

4. It is the case of the prosecution that the first informant and the applicant- Praful got married on 26th November 2023 and thereafter they started residing at Pune along with applicant - Sarla. It is alleged by the first informant that the applicants Praful and Sarla subjected her to physical and mental torture as well as demanded Rs.10 to Rs.15 lakhs and a Car as dowry. The first informant alleges that the applicant Praful was unable to consummate their marriage, which caused matrimonial disputes between them. It is alleged that the applicants in connivance with each other, took the first informant to Tantrik and adopted various methods of black magic to allegedly treat the first informant for being possessed by a evil spirit.

5. It is alleged that the applicants Shashikant and Hrushikesh often visited the matrimonial house of the first informant and

forcibly made her to consume the sedative powder under the guise of sacred ash (Vibhuti). It is further alleged that due to said act, the first informant used to lose consciousness for about 7 to 8 hours and upon regaining consciousness, she used to experience pain in her private parts. During the course of investigation, the supplementary statement of the first informant came to be recorded on 6th September 2025, wherein she has alleged that the applicants Shashikant and Hrushikesh committed forcible sexual intercourse with her while she was in an unconscious state due to consumption of sedative powder, which they used to give her as sacred ash and the same was allegedly encouraged by the applicants Praful and Sarla as they wanted an heir to their family.

6. I have heard the learned counsel appearing for the applicants, learned APP for the respondent / State and learned counsel for the respondent No.2/first informant.

7. Learned counsel for the applicants submits that due to matrimonial dispute with applicant Praful, the first informant has made afterthought allegations against the present applicants. It is submitted that due to harassment caused by the first informant, the applicant Sarla started residing separately at Nashik and was constrained to file a proceeding under the provisions of Senior Citizen Act against the first informant in the month of April 2025. It is submitted that due to said harassment, the applicants Praful and Sarla have filed multiple complaints against the first informant at Pimpri-Chinchwad police station and the Sant Tukaram Police Station from the month of May 2024 to February

2025. It is further submitted that on 30th April 2025, the applicant Praful filed a complaint with the Women Cell, PCMC, thereby requesting mediation in their matrimonial dispute. It is submitted that the first informant appeared before the concerned officer on 6th May 2025 for the purpose of mediation, during the said session she did not disclose about any of the alleged incidents mentioned in the FIR. It is submitted that the said mediation could not succeed as the first informant purposely did not appear on the subsequent dates. It is submitted that according to the first informant, the incident of forcible sexual intercourse allegedly took place between September 2024 to October 2024, however, as per the version of the first informant, she and the applicant Praful had gone to Bali for their anniversay celebration in December 2024. It is submitted that the first informant thus filed false FIR to harass and settle the scores with the applicants. It is therefore, submitted that the applicants be released on anticipatory bail.

8. On the other hand learned APP for the respondent/State and the learned counsel for the respondent No.2/first informant submit that the the applicants are involved in serious crime of practicing black magic. It is submitted that there are serious allegations against the applicants Shashikant and Hrushikesh of committing forcible sexual intercourse with the first informant while she was in unconscious state due to consumption of the sedative powder which they used to give to her under the guise of sacred ash (Vibhuti). It is submitted that there are allegations of demand of

dowry against the applicants Praful and Sarla. It is therefore, submitted that considering the nature of crime, the applicants may not be released on anticipatory bail.

9. I have perused the material on record. It appears that prior to lodging of the present FIR on 15th July 2025 the applicant Praful and Sarla had filed multiple complaints against the first informant at Pimpri-Chinchwad police station and Sant Tukaram Police Station from the month of May 2024 to February 2025. It also appears that pursuant to the complaint dated 30th April 2025 filed by the applicant Praful with the Women Cell, PCMC an attempt was made to mediate the matrimonial dispute between them. However, the said mediation could not succeed as the first informant failed to appear before the concerned Mediator after the initial session on 6th May 2025. After approximately three months of lodging of the FIR, for the first time in her supplementary statement recorded on 6th September 2025 the first informant has made the allegations of forcible sexual intercourse. Considering the overall facts and circumstances of the case, I am inclined to release the applicants on anticipatory bail. In the result, the following order is passed.

ORDER

A) The Applications are allowed.

B) In the event of arrest of the applicants in C.R. No. 510 of 2025 registered at MIDC Police Station for the offences punishable under Sections 316(2), 351(2), 85 and 3(5) of the

Bharatiya Nyaya Sanhita, 2023, they be released on bail on executing P.R. Bond in the sum of Rs.25,000/- each with one surety or two sureties in the like amount.

C) The applicants shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate in the investigation.

10. The Applications are disposed of in the aforesaid terms.

[N.R.BORKAR, J.]