

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1240 OF 2024

Vaibhav A. Patil

...Appellant

V/s.

State of Maharashtra & Anr.

...Respondents.

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SADANAND
SHERLA

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Mr. Nitin Sejpai a/w. Mrs Pooja Sejpai and Mr. Siddharth Gharat for the Appellant.

Mr. B.V. Holambe-Patil, APP for the Respondent/State.

Mrs. Jai V. Kanade, Appointed through Legal Aid a/w. Ms Prachit Naik for Respondent No.2.

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CORAM : N.R. BORKAR, J.
DATE : 26.08.2025.

P.C. :

1. This appeal takes exception to the order dated 16th November 2024 passed by the Additional Sessions Judge, Panvel below Exhibit-1 in Criminal Bail Application No. 832 of 2024.

2. By the impugned order, the learned Additional Sessions Judge has rejected the anticipatory bail application filed by the appellant apprehending his arrest in C.R. No. 280 of 2024 registered at New Panvel Police Station, New Mumbai for the offences punishable under Sections 376(2)(n), 506, 506(2) of the Indian Penal Code (for short "IPC") and Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va), 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC & ST Act').

3. The prosecution case in brief is that, in 2019, the victim got acquainted with the appellant, who was her husband's friend. Subsequently, the appellant proposed the victim for marriage, which she refused. Thereafter in 2023, the appellant deceitfully took her to a farmhouse where he threatened her with dire consequences and committed forcible sexual intercourse with her and clicked pictures with her. It is alleged that he, thereafter committed forcible sexual intercourse with her under the threat of showing her objectionable pictures to everyone. It is alleged that on 27th May 2024, the appellant visited the victim's house along with his friend and coerced her to establish physical relations with his friend. As she refused to do so, he got infuriated and abused her on caste. It is further alleged that the appellant threatened to kill her husband.

4. I have heard the learned counsel for the appellant, the learned APP for the respondent – State and learned counsel for respondent No.2/victim.

5. Learned counsel for the appellant submits that the appellant and the victim are both married and the relationship between them was consensual. It is submitted that as the husband found out her illicit affair with the appellant and thus the false report came to be lodged. It is submitted that there are multiple WhatsApp messages showing that the relationship was consensual. It is submitted that there is no need of custodial interrogation.

6. On the other hand learned APP for the respondent/State and learned counsel for respondent No.2/victim submit that the appellant is involved in crime of serious nature. It is submitted that the appellant frequently committed forcible sexual intercourse with the victim under the threats of harming her family members as well as showing her objectionable pictures to everyone. It is submitted that the trial Court has observed that the appellant has created false evidence in the form of WhatsApp chats. It is submitted that after registration of the present crime the present appellant has committed two more crimes. It is submitted that first crime is registered for assaulting the victim and the second crime is registered for attempting to kill the husband of the victim. It is submitted that considering the nature of offence, the appellant may not be released on anticipatory bail.

7. The trial Court has observed that the appellant has created false evidence in the form of WhatsApp chat. Considering the overall facts and circumstances of the case, I am not inclined to release the applicant on anticipatory bail. Hence, the Appeal is dismissed.

[N.R.BORKAR, J.]