

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

Anticipatory Bail Application No.1580 of 2024

Sanket Sunil Nagine

Age:-23 years, Occ-Service,
Moreshwar Complex, C Wing,
Room No.1, Ground Floor,
Diva Dativali Road,
Near Siddhivinayak Gate,
Shri Sadguru Nagar, Diva (East),
District - Thane

... Applicant

versus

1. The State of Maharashtra
Through Senior Inspector of Police,
Mumbra Police Station, Dist: Thane

2. X.Y.Z.,

... Respondents

Mr Amol Patankar, a/w. Mr Neil Chandiwalla, for the applicant.
Mr AS Shalgaonkar, APP, for respondent No.1/ State.
Mr Jugal Kanani, for respondent No.2, through Legal Aid.
API RD Toradmal, Mumbra Police Station, Thane, is present.

Coram: R.N. Laddha, J.
Date: 6 August 2025.

P.C.:

The applicant apprehending arrest in connection with CR
No.1181 of 2024, registered at Mumbra Police Station, Thane
City, for the offence punishable under Sections 376(2)(n) and

354 of the Indian Penal Code, has filed the present application seeking pre-arrest bail.

2. According to the prosecution, between 2020 and 2024, under the false pretext of marriage, the applicant engaged in physical relations with the informant. Subsequently, the applicant reneged on his commitment and avoided further contact with the victim.

3. Mr Amol Patankar, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. He submits that both the applicant and the informant/victim are consulting adults who were engaged in a consensual relationship. There is a significant delay in lodging the FIR. The applicant has cooperated with the investigation, which is complete, and nothing is to be recovered from the applicant. The applicant is ready and willing to comply with the conditions imposed by this Court, including undergoing a medical examination.

4. Mr Anand Shalgaonkar, the learned Additional Public Prosecutor representing respondent No.1/ State, and Mr Jugal Kanani, the learned Counsel appointed for respondent No.2, jointly oppose the applicant's request for pre-arrest bail and

contend that the offence is of a serious nature. They submit that the applicant engaged in forcible sexual relations with the informant under the false pretence of marriage, which constitutes a serious breach of trust and exploitation. The learned APP, however, acknowledges that the investigation has concluded except for the medical examination of the applicant.

5. Upon perusing the records, it appears that both the applicant and the victim are of legal age and were involved in a consensual relationship. Their relationship appears to have lasted from 2020 to January 2024; however, the FIR was lodged only in April 2024. There appears to be a substantial delay in registering the crime. The learned APP acknowledges that the investigation is complete except for the medical examination of the applicant, and nothing is to be recovered or discovered from the applicant. To address concerns regarding tampering with the evidence or witness influence, appropriate conditions can be imposed. In these circumstances, the present application is allowed in the following terms:

ORDER

- (i) In the event of the applicant's arrest in CR No.1181 of 2024, registered at Mumbra Police Station, Thane City, he shall be released on bail upon executing a

PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station on 12, 13 and 14 August 2025 to undergo medical examination, and thereafter, as and when required by the investigating officer.

(iii) The applicant, himself or through any other person, shall refrain from contacting the victim in any manner whatsoever.

(iv) The applicant, either himself or through any other person, shall not indulge in any activities that may lead to evidence tampering or witness influence.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)