

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

Anticipatory Bail Application No.2940 of 2024

Vishal Prakash Band
Age: 26 yrs, Occ: job
r/at Ambedkar Nagar
Partur, Tq.Partur,
Dist.Jalna-43501

... Applicant.

Vs.

1. The State of Maharashtra
(through PI Malad Police
Station, Mumbai)

2. XYZ

... Respondent.

Mr Gautam Kanchanpurkar a/w Kanchan Borkar, Gaurav
Pandey i/by Uttam Sable for the applicant.

Mr Arfan Sait, APP for the respondent / State.

None for respondent No.2.

WPI SH Suryavanshi Malvani Police Station, Mumbai.

Coram : R.N.Laddha, J.

Date : 21 July 2025.

P.C. :

By this application, the applicant seeks pre-arrest bail
in connection with CR No.1284 of 2024, registered at
Malwani Police Station, Mumbai, for offences punishable
under Sections 376 of the Indian Penal Code.

2. A 23-year-old woman/ respondent No.2 filed a report at Malwani Police Station, Mumbai, alleging that the applicant, a relative she knew since childhood, lured her into a relationship through Instagram over the past two years. On his birthday, 15 January, he proposed marriage, and she said she would consult her parents. He continued to express love and promised marriage. On 4 April 2024, during a visit to Mumbai, he took her to a hotel near Malad West and, under the pretext of marrying her, had sexual intercourse against her will. He later refused to marry her, leading her to file the present FIR.

3. Learned Counsel appearing on behalf of the applicant, submits that both the applicant and the informant are consenting adults and voluntarily entered into a mutual relationship. The interactions and the nature of association of the applicant and the victim were entirely consensual with no element of coercion or undue influence. The learned Counsel further submits that the investigation in the matter has been completed and nothing is to be recovered or discovered from the applicant. The applicant is ready to undergo medical examination, and surrender his mobile phone, as well as comply with the conditions imposed by

this Court.

4. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State contends that the offence is of a serious and grave nature. The applicant entered into a physical relationship with the informant by falsely promising marriage. The learned APP, however, concedes that the investigation in the case is substantially complete, except for the medical examination of the applicant and seizure of his mobile phone.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records.

6. Upon perusing the records, it appears that the applicant and the informant/victim are of legal age and were involved in a consensual relationship. Their relationship lasted from 15 January 2022 to 4 April 2024. However, the FIR was lodged on 27 September 2024. There is a substantial delay in lodging the FIR. Moreover, the learned APP, acknowledges that the investigation is at an advance stage. The applicant is ready and willing to

surrender his mobile phone and undergo medical examination. To address concerns regarding tampering with evidence or witness influence, appropriate conditions can be imposed. Hence, the following order :

ORDER

(i) In the event of the applicant's arrest in connection with CR No.1284 of 2024, registered at Malwani Police Station, Mumbai, 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 28, 29 and 30 July 2025 between 11:00 a.m. and 2:00 p.m., and thereafter as and when required by the investigating officer and undergo medical examination, surrender his mobile phone and cooperate with the investigation.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence the witnesses.

7. The application stands disposed of accordingly.

[R. N. Laddha, J.]