

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3032 OF 2024

Ajaykumar Nandkumar Chincholkar	...Applicant
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

Mr. Rameshwar N. Gite, for the Applicants.
Mr. S.A. Karmakar, APP, for the Respondent-State.
Ms. Sayee Sawant, Advocate appointed to represent the
Respondent No.2.
Mr. Dhanraj V. Patil, PSI, attached Indira Police Station District
Nashik City, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 10th DECEMBER 2025

PC:-

1. Heard Mr. Gite, learned Counsel appearing for the Applicant,
Ms. Sawant, learned Counsel appearing for the Respondent No2.
and Mr. Karmakar, learned APP for the Respondent- State.

2. By this applications filed under Section 482 of the Bharatiya
Nagarik Surakhsha Sanhita, 2023 (“BNSS”) the Applicant is
seeking pre-arrest bail in connection with C.R. No.327 of 2025
registered on 14th October 2024 with Indira Nagar Police Station,

District Nashik for the offences punishable under Sections 376, 420 and 506 of the Indian Penal Code, 1860 (“IPC”).

3. The prosecution case set out in paragraph No.2 of order dated 22nd October 2024 passed by a learned Additional District and Sessions Judge, Nashik in Criminal Bail Application No.2166 of 2024, which reads as under :-

“2. It is the case of the prosecution that, since the year 2022 informant was working as a Teacher. She came in contact with the applicant and started depositing PF amount. They became acquainted with each other and thereafter under the promise of marriage he started taking her to the hotels. There he had physical contact with her. Time and again he has taken Rs.5,00,000/- from her. When she used to ask for money he used to quarrel with her and used to threaten her that he would make her obscene video viral. She had given Rs.40,000/- from the credit card of her brother to the applicant. In fact the applicant has contended that, the informant has kept extra marital affairs with him. He has never taken any amount from her. She has never given any amount to deposit in PF Account. The relationship between the applicant and the informant started in the year 2022 and till 2024 she has not taken any action. Only to grab the money she has lodged the report. Hence, prayed that anticipatory bail be granted.”

4. It is the submission of Mr. Gite, learned Counsel appearing for the Applicant, that the relationship between the Applicant and the First Informant i.e. Respondent No.2 was consensual relationship. He further submits that as far as the financial transactions between them are concerned, the same have nothing to do with the consensual relationship. He submits that the said deposit is concerning P.F. account. He further submits that on several occasions, both the parties have deposited certain amounts in the account of each other. He further submits that in any case chargesheet is filed and therefore the Anticipatory Bail be granted.

5. On the other hand, Ms. Sawant, learned Counsel appointed to represent the interest of the Respondent No.2 submitted that the relationship was not consensual. The Applicant although married represented the First Informant that he would marry with her by getting divorce and therefore, the Respondent No.2 kept the relationship. She submitted that huge amounts are paid by the First Informant in the Account of the First Informant as he was demanding money from time to time on the pretext that he would marry with the First Informant. She further submitted that he has threatened to make viral videos of the First Informant and by

giving the said threats she was subjected to sexual assault. Ms. Sawant, learned Counsel also relied on the judgement of the Supreme Court in the case of *Anural Soni vs State of Chhattisgarh*¹ as well as on the judgement of the Supreme Court in the case of *Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs State of Maharashtra*². Learned Counsel also relied on the order dated 15th October 2025 passed by this Court in Anticipatory Bail Application No.1495 of 2025. She also relied on the judgement of this Court in the case of *Pravin Manik Kadam vs State of Maharashtra*³. She has also filed written submission. She therefore submits that the Anticipatory Bail Application be rejected.

6. Mr. Karmakar, learned APP, strongly opposes granting the Anticipatory Bail. He submits that as the offence is very serious and therefore, Anticipatory Bail Application be rejected.

7. Perusal of the record shows that the offence is very serious. As per the prosecution case the Applicant by giving false promises of marriage and by giving threats of making her videos viral has

1 (2019) 13 SCC 1

2 2025 SCC OnLine SC 1489

3 Order dated 15th October 2025 passed in Anticipatory Bail Application No.1495 of 2025

established sexual relationship with the First Informant. Although the Applicant is married, he would tell the First Informant that he would give divorce to his wife and thereafter he would marry the First Informant.

8. Although the allegations are very serious, the position on record shows that the First Informant since inception was aware that the Applicant is a married person.

9. Perusal of the record further shows that a learned Single Judge by order dated 30th October 2024 has already granted interim protection and the said interim protection continues till date i.e. for more than 1 year. There is nothing on record to indicate that the protection granted by this Court has been misused by the Applicant. In the meanwhile, chargesheet is filed on 23rd December 2024. Thus, the investigation is completed.

10. As far as the judgment in the case of *Anurag Soni* (supra) on which learned Counsel appearing for the Respondent No.2 has relied the same is concerning challenging the judgment and order

of conviction passed by learned Trial Court. Therefore, the same will have no application at the stage of Anticipatory Bail.

11. As far as another judgment on which Ms. Sawant, learned Counsel has relied in the case of Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav (Supra), the same is concerning parameters of granting Anticipatory Bail. However, this is the case where the chargesheet is already filed. Thus, the investigation is completed.

12. Ms. Sawant, learned Counsel has also relied on the decision of this Court in the case of *Pravin Manik Kadam* (supra). The same is also not relevant as in that case the Applicant was absconding and therefore, in the peculiar facts and circumstances, the Anticipatory Bail Application was dismissed.

13. Thus, by taking into consideration overall facts and circumstances, case is made out for granting Anticipatory Bail.

14. In view thereof, the following order is passed:

ORDER

(a) In the event of arrest of the Applicant -Ajaykumar Nandkumar Chincholkar in connection with C.R. No.

327 of 2025 registered with Indira Nagar Police Station, District Nashik the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.35,000/- each with one or two solvent sureties in the like amount.

- (b) The Applicant shall attend the concerned Police Station as and when called.
- (c) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

15. The Anticipatory Bail Application is disposed of accordingly.

16. This Court places on record the appreciation of the assistance rendered by Ms. Sayee Sawant, learned Counsel appointed to represent the interest of the Respondent No.2. The High Court Legal Service Authority, Mumbai is requested to pay her professional charges as per Rules.

[MADHAV J. JAMDAR, J.]