

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

CRIMINAL BAIL APPLICATION NO. 1633 OF 2025

Sachin Sahebrao Jogdande ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Bhushan Raut i/b Mr. Parmeshwar Ashok Shendge, learned Advocate for the Applicant.

Ms. Geeta P. Mulekar, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 4th SEPTEMBER 2025.

P.C. :

1. Heard Mr. Bhushan Raut, learned Advocate for the Applicant and Ms. Geeta Mulekar, learned A.P.P. for the State/Respondent.

2. Applicant is accused of committing offences punishable under Sections 318(4), 351(2) & 69 of the Bharatiya Nyaya Sanhita, 2023 ("BNS" for short) in Crime No. 531 of 2024 registered with Swargate Police Station, District-Pune City. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short), Applicant is before this Court seeking regular bail.

3. Mr. Bhushan Raut, learned Advocate for the Applicant states that Crime No. 531 of 2024 is registered as Regular Criminal Case No. 950 of 2025 and the same is pending before the Court of the

Additional Sessions Judge, Pune.

4. First Information Report is lodged at the instance of prosecutrix Nirbhaya (Informant). Case of the prosecution is that Informant got acquainted with the Applicant via Snapchat. Said acquaintance developed into friendship and mutual feeling for each other, which resulted in deep intimacy. Informant alleges the Applicant having committed sexual intercourse with her on the false promise of marriage. Applicant borrowed amounts from the Informant, again on the false promise of marriage.

5. Applicant was arrested on 9th December 2024. Criminal Bail Application No. 1346 of 2025 filed by the Applicant was rejected by the learned Additional Sessions Judge, Pune by order dated 21st March 2025.

6. Mr. Bhushan Raut, learned Advocate for the Applicant submits that the allegations in the charge-sheet, do not establish any case of promise of marriage and/or the Applicant having sexual intercourse with the Informant. He further submits that the Informant refused to go for medical examination, which fact is sufficient to disbelieving the case of the Informant. He submits that the allegations of borrowing the money by the Applicant from Informant, are also not established.

7. Ms. Geeta Mulekar, learned A.P.P. for the State/Respondent submits that the Applicant has a checkered history of indulging in such activities. She relies on an FIR bearing no. 268 of 2024 dated 16th May 2024 filed by Baliram Omkar Chandangole, alleging that his daughter Poonam Jogdande was cheated by the Applicant on a

promise to marry. She submits that the material on record, (documents at page nos. 34 upto 85 of the paper-book), i.e. the Entry Register showing the names of all visitors of Grand Tulip Lodge, Swargate, Pune, supports the prosecution case of Applicant having taken the Informant to the said Lodge. She relies on Entry No. 306/3803 of the Entry Register of Grand Tulip Lodge.

8. I have perused the records with the assistance of learned Advocates of the parties.

9. Informant declined to offer herself for medical examination.

10. Investigating Officer has seized the Entry Register of Grand Tulip Lodge. Perusal of Entry No. 306/3803 of the Register of Grand Tulip Lodge(at Page No. 62 of the paper-book) relied by Ms. Geeta Mulekar, indicates the name of Applicant and one Ms. Poonam Jogdande. Mr. Bhushan Raut, learned Advocate for the Applicant submits that the person by name Poonam Jogdande is the wife of Applicant and not the Informant. He points out to Page Nos. 86 & 87 of the paper-book, i.e. the Aadhar Card, copy of which was recovered by the Investigating Officer from Grand Tulip Lodge, to submit that the person accompanying the Applicant in the said Lodge is his wife Poonal Jogdande.

11. With reference to the FIR bearing no. 268 of 2024 dated 16th May 2024 registered against the Applicant, relied by Ms. Geeta Mulekar, learned A.P.P., Mr. Bhushan Raut, submits that said FIR was lodged by Baliram Omkar Chandangole, who is the father-in-law of the Applicant. He submits that the said FIR was lodged by his father-in-law on account of a family discord/misunderstanding.

He clarifies by stating that the allegations in the said FIR, are in respect of Applicant's wife. He submits that Applicant's wife has neither made any grievance/allegations against the Applicant, nor has she filed any complaint.

12. In the cases of *Pramod Suryabhan Pawar v/s. The State of Maharashtra*¹ and *Mahesh Damu Hare v/s. The State of Maharashtra and Others*², the Hon'ble Supreme Court has held that the mere fact that physical relations were established pursuant to a promise to marry, will not amount to a rape in every case. For the offence of rape, to be made out, two conditions need to be satisfied, *firstly*, that the promise of marriage was made by the accused solely with a view to obtain consent for sexual relations without having any intention of fulfilling said promise from the very beginning and *secondly*, that a false promise of marriage had a direct bearing on the prosecutrix giving her consent for sexual relationship.

13. Considering the nature of allegations, material on record and the fact of the Informant having declined to go for medical examination, *prima facie* does not support the case of prosecution as alleged against the Applicant in Crime No. 531 of 2024. Material placed on record *prima facie* does not satisfy the two conditions to establish offence of rape. In view of the above, continuation of the Applicant in jail pending the trial is not warranted. Hence, Applicant is entitled to bail.

14. Mr. Bhushan Raut, learned Advocate submits that if

¹ 2019(9) SCC 608.

² 2024 SCC OnLine 347.

indulgence is shown to the Applicant in the present Bail Application, then he has instructions from the Applicant to state that pending the conclusion of trial in Regular Criminal Case No. 950 of 2025, the Applicant shall not enter the jurisdiction of Corporation limits of District-Ratnagiri. Statement accepted.

15. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 531 of 2024 registered with Swargate Police Station, District-Pune City for the offences punishable under Sections 318(4), 351(2) & 69 of the BNS on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Pune.
- b. Applicant shall not contact or attempt to contact the Informant or any of the family member of the Informant or any witness in the present crime.
- c. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade such a person from disclosing the facts to the Court or to any police personnel.
- d. Applicant shall not tamper with the prosecution evidence and shall not contact or influence any witness

in any manner.

- e. Applicant upon his release from jail, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Swargate Police Station, District-Pune City and shall keep the same updated, in case of any change thereto.
- f. Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of Regular Criminal Case No. 950 of 2025, pending on the file of Additional Sessions Judge, Pune, on each and every date, unless exempted from appearance.
- g. Applicant shall not enter the territorial jurisdiction of Corporation limits of District-Ratnagiri, till conclusion of the trial of Regular Criminal Case No. 950 of 2025.

16. Criminal Bail Application No. 1633 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2025.09.08
19:11:48 +0530