

Shabnoor

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

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BAIL APPLICATION NO. 1877 OF 2025

Somnath Eknath More

... Applicant

V/s.

State of Maharashtra & Anr.

... Respondents

Mr. Prasanna K. Shahane a/w Mr. Shubham Chavan,
for the applicant.

Mr. Sagar R. Agarkar, APP for the State – respondent.

Mr. Amol S. Dhumal, PSI, Hill Line Police Station is
present.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 8, 2025

P.C.:

1. The present bail application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on regular bail in connection with Crime Register No. 545 of 2024 registered with Hill Line Police Station. The applicant is charged with offences punishable under Sections 376 and 506 of the Indian Penal Code, 1860.

2. As per the prosecution's case, the informant has alleged that she was in regular contact with the applicant since the year 2019. On 10th April 2022, the applicant visited her house and thereafter developed a romantic relationship with her. It is further alleged that between 1st May 2023 and 31st May 2023, on more than one

occasion, the applicant forcibly took the informant to a hotel and committed forcible sexual intercourse with her. Additionally, it is alleged that during the period from 10th April 2022 to 8th June 2024, the applicant took her to various places and engaged in sexual relations with her by threatening to defame her if she resisted.

3. Learned Advocate appearing on behalf of the applicant submitted that the prosecutrix is a major, aged about 31 years, and there is a considerable delay of more than two years in registration of the FIR from the date of the first alleged incident. It is submitted that the relationship between the applicant and the prosecutrix continued for more than five years and was purely consensual in nature. It is further argued that whether there was a false promise of marriage, as now claimed by the prosecutrix, is a disputed fact which can only be determined during trial after appreciation of evidence. The applicant is a first-time offender and has no criminal antecedents. He is a permanent resident and is willing to abide by any conditions the Court may impose. Hence, it is prayed that he be released on regular bail.

4. On the other hand, the learned APP has opposed the application and argued that the allegations levelled against the applicant are grave and serious in nature. It is pointed out that there is sufficient material on record which prima facie connects the applicant with the commission of the alleged offence. Considering the nature of allegations and the stage of the case, it is submitted that this is not a fit case for grant of bail. Hence, prayer is made for rejection of the bail application.

5. I have carefully considered the submissions made by the learned counsel for the applicant and the learned APP. I have also perused the material placed on record including the contents of the FIR and the supplementary statement of the informant.

6. It is not in dispute that the prosecutrix is a major, aged about 31 years at the time of lodging of the FIR. The relationship between the applicant and the prosecutrix, as per the own version of the prosecutrix, appears to have continued for a long duration—nearly five years. The allegations also show that there were repeated interactions between the parties, including travel to various places, which prima facie indicate continued voluntary association.

7. The FIR has been registered in June 2024, whereas the first incident is alleged to have occurred in April 2022. Such delay of more than two years, without any explanation, raises doubt about the spontaneity of the complaint and would certainly be a matter of scrutiny at the stage of trial. At this stage, the long and unexplained delay can be considered as a mitigating factor for the purpose of bail.

8. The question whether the consent, if any, was obtained under misconception of a false promise of marriage, or whether it was a consensual relationship throughout, involves disputed questions of fact, which would require appreciation of evidence during trial. At this stage, no conclusive finding can be recorded on this aspect.

9. It is also relevant to note that the applicant has no criminal antecedents. He is not shown to be a habitual offender or a flight risk. There is nothing on record to suggest that the applicant attempted to tamper with evidence or influence the prosecutrix during the period when the alleged relationship continued or after registration of FIR.

10. The investigation in the matter is reported to be substantially complete, and the chargesheet is likely to be filed or has already been filed. Therefore, further custodial interrogation of the applicant does not appear to be necessary.

11. Having regard to the totality of the facts and circumstances of the case, the nature of the allegations, the delay in lodging FIR, the consensual nature of the long-standing relationship, absence of any criminal antecedents, and the fact that the trial is likely to take some time, I am of the opinion that this is a fit case for granting bail, subject to appropriate conditions.

12. Hence, the following order :

(i) The Bail Application is allowed.

(ii) The applicant shall be released on bail in connection with Crime Register No. 545 of 2024 registered with Hill Line Police Station for offences punishable under Sections 376, 506 of IPC, upon furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court, subject to the following conditions:

- (a) The applicant shall not, in any manner, contact the victim or her family members, directly or indirectly.
- (b) The applicant shall attend all proceedings before the Trial Court regularly, unless exempted by the Court on valid grounds supported by sufficient cause.
- (c) The applicant shall not tamper with evidence or influence any witness.
- (d) The applicant shall report to the Hill Line Police Station once in three months between 10.00 a.m. and 12.00 noon, until further orders.
- (e) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.
- (f) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

13. The Bail Application is allowed and accordingly disposed.

(AMIT BORKAR, J.)