

AGK

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

BAIL APPLICATION NO.2241 OF 2025

Madan Sudarman	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Srinivas Bobde, with Mr. Darshan Anand i/by Mr. Tanmay Karmarkar for the applicant.

Mr. Prasanna M. Malshe, APP for the respondent-State.

Mr. Deshmukh, PSI, Sahar Police Station, Mumbai, is present.

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CORAM : AMIT BORKAR, J.

DATED : JUNE 25, 2025

P.C.:

1. This is an application preferred by the applicant under Section 483 of the *Bhartiya Nagarik Suraksha Sanhita, 2023*, seeking regular bail in connection with Crime Register No.926 of 2024, registered with Sahar Police Station on 27th November 2024 for offences punishable under Sections 64(2)(m) and 69 of the *Bhartiya Nyaya Sanhita, 2023*.

2. As per the prosecution case, the first information report has been lodged by the prosecutrix alleging that the applicant, under the pretext of marrying her, established physical relationship with her repeatedly from the year 2016 till October 2024. It is further alleged that both the applicant and the victim were residing

together at Chembur for some period. According to the version of the prosecutrix, she came into contact with the applicant in the year 2015, and thereafter they developed a close relationship. It is stated that they travelled to various places including Pondicherry and Chennai, and had physical relations during those occasions.

3. It is further the case of the prosecution that in the year 2017, the victim had lodged a complaint of sexual harassment against the applicant while he was employed with a private company named Hexa. Despite this, the relationship between the applicant and the victim continued till 2nd October 2024. The incident of 24th July 2024, where both met at a hotel in Ghansoli, and subsequent physical interactions till 2nd October 2024, are also referred to in the FIR. Ultimately, the prosecutrix lodged the FIR on 27th November 2024.

4. The applicant came to be arrested on 6th February 2025. After investigation, charge-sheet has been filed. The application filed by the applicant before the learned Sessions Court for grant of regular bail came to be rejected. Hence, the present application has been filed before this Court.

5. Learned Advocate for the applicant has taken this Court through the material placed on record and, in particular, relied upon the statement of the prosecutrix herself. It is submitted that the period of alleged physical relationship spans almost eight years, from 2016 to 2024. The statement of the prosecutrix shows that she voluntarily accompanied the applicant to various places, stayed with him, and continued physical relations even after

knowing that the applicant was married in the year 2021. It is submitted that the prosecutrix herself had lodged a complaint of sexual harassment against the applicant in the year 2017, yet continued the relationship thereafter. The learned advocate therefore submitted that the element of consent is evident from the long-standing nature of the relationship, and whether the promise to marry was false at inception or not is a matter for trial. He submits that the applicant is in custody since February 2025, the charge-sheet has been filed, and further custodial interrogation is not necessary. He, therefore, prays for enlargement of the applicant on bail.

6. On the other hand, the learned APP opposed the application and submitted that the version of the prosecutrix in the FIR and her statement reveals that her consent for physical relationship was obtained by the applicant on a false promise of marriage. It is contended that when consent is induced by fraud, such as a false promise to marry, it does not amount to free and voluntary consent in law. The learned APP, therefore, urged that the nature of allegations are serious and custodial release of the applicant at this stage may prejudice the trial.

7. On careful perusal of the charge-sheet and the material available on record, it prima facie appears that the relationship between the applicant and the victim commenced in the year 2016 and continued till 2nd October 2024. It is also not in dispute that in the year 2021, the victim got married to another person. However, even after her marriage, the victim continued to maintain her relationship with the present applicant. The

documents on record as well as the statement of the victim show that she accompanied the applicant to different places including hotels, which suggests that the relationship continued on mutual understanding and willingness.

8. It further appears that the narration of incidents in the FIR, though covering a long span of time, does not bring out any specific instance where the applicant is alleged to have used force or exercised coercion upon the victim. The allegations do not indicate that the physical relationship was against her will or without her consent. On the contrary, the consistent association between the two parties, despite material changes in personal circumstances like the marriage of the victim, indicates that the relationship may have been consensual in nature.

9. At this stage, it would not be appropriate for this Court to delve into the deeper issue whether the promise of marriage, if made, was false at inception or was later withdrawn due to change in circumstances, as these are questions which can only be decided upon detailed evidence during trial. The role of the Court at this stage is to assess whether the custodial detention of the applicant is necessary for further investigation, which in the present case, stands concluded, and whether his release on bail is likely to prejudice the trial or tamper with evidence.

10. Considering these aspects and the long duration of the alleged relationship, absence of specific allegations of physical force, and the filing of charge-sheet, the applicant deserves to be released on bail, subject to appropriate conditions to ensure his

presence at trial and to prevent any interference with the prosecutrix or witnesses.

11. Therefore, in my opinion, the applicant has made out a prima facie case for release him on bail.

12. Hence, following order:

(i) The bail application is allowed:

(ii) The applicant is directed to be released on regular bail in connection with Crime Register No.926 of 2024 registered on 27 November 2024 with Sahar Police Station for offences punishable under Sections 64(2)(m) and 69 of the Bhartiya Nyaya Sanhita, 2023, upon his executing a personal bond in the sum of ₹25,000/- (Rupees Twenty-Five Thousand only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

a) The applicant shall not tamper with the evidence or attempt to contact or influence any witness, directly or indirectly.

b) The applicant shall appear before the Trial Court on every date of hearing, unless prevented by a sufficient and valid cause.

c) The applicant shall not indulge in any criminal activity during the pendency of the trial.

d) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial

Court.

13. The bail application accordingly disposed of in the above terms. No costs.

(AMIT BORKAR, J.)