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

BAIL APPLICATION NO. 2620 OF 2025

Nimish Ravikant Lokhande ... Applicant
V/s.
 State of Maharashtra and anr ... Respondents

Mr. Aditya Andhorikar i/b Nehal Desale for the applicant.

Mr. Sagar Agarkar, APP for respondent No.1-State.

Ms. Komal Sinha for Respondent No.2.

Mr. Ajay Kumbhar, API, Manpada Police Station.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 21, 2025

P.C.:

1. By the present application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS"), the applicant seeks his release on regular bail in connection with Crime Register No. I-353 of 2025 registered at Manpada Police Station. The said crime has been registered for offences punishable under Sections 115(2), 318, 351(2), 352, 64(2)(M) and 69 of the Bhartiya Nyay Sanhita.

2. The prosecution case, as reflected from the First Information Report lodged by the complainant Ms. Amarpreet Ramsingh Gill, is that she was earlier married to one Mr. Kishansing Saunet, from which wedlock she has two children, namely Kartik (son) and Aditi

(daughter). It is stated that for the last about five years she has been residing separately from her husband and has been living with her sister at Manpada, Palava, Dombivali.

3. According to the complainant, while she was working in Mayur Bar, she came in contact with the present applicant–accused Mr. Nimish Lokhande. The acquaintance gradually turned into friendship and thereafter into a love affair. In the meantime, the complainant, being an earning woman, had rented a room at Sai Krupa Chawl, Vasargaon, Newali, Dombivali (East), where the accused would frequently visit her.

4. It is alleged that on 11/02/2022, the accused publicly proposed marriage to the complainant at Rangila Bar, Nandivali, Kalyan (East). The complainant disclosed to him that she was already a mother of two children. However, despite this disclosure, the accused continued to insist on marrying her.

5. The further case of the complainant is that the accused informed her that he had borrowed money from certain persons who were harassing him for recovery of the same, and therefore he requested to stay with her for some days. Though she initially declined, the accused persuaded her by saying that he would disclose their relationship to his parents and intended to marry her soon. Thereafter, he started residing with her. It is alleged that on the very first night he forcibly established physical relations with the complainant and continued the same against her will during his stay. The complainant further alleges that due to such forcible relations she became pregnant twice and was compelled to

undergo abortions at the instance of the accused.

6. It is further alleged that subsequently the complainant came to know that the accused was maintaining another affair and intended to marry another woman. This led to quarrels between them, during which the accused allegedly abused the complainant as well as her children. In this backdrop, the complainant lodged a complaint at Hill Line Police Station being Crime No. 954/2024 for offences punishable under Sections 376, 313, 323 and 504 of the Indian Penal Code.

7. The complainant further states that after this case was registered, the accused approached her and requested her to withdraw the complaint. Acting upon such persuasion, the complainant withdrew the case before the Kalyan Court. The accused was thereafter released on bail on 13/09/2024 and resumed contact with the complainant. At that time, the complainant expressed that they should not continue physical relationship until their marriage, which led to further disputes. The accused then left her residence and returned to his parental home at Ayregaon.

8. It is further alleged that later the accused lured the complainant to shift her residence to Maurya Chawl, near Samadhan Hotel, Kolegaon, Dombivali (East). Even thereafter, despite the complainant's insistence that physical relations be kept pending until marriage, the accused continued to establish physical relations with her on the promise of marriage.

9. According to the complainant, when she later disclosed her

pregnancy to the accused and insisted upon marriage, he bluntly refused by stating that she was a “Bar Dancer” and therefore no one would marry such a woman, further adding that he had plans of marrying someone else. On her request for return of her daughter’s gold earrings and an amount of ₹3,50,000/- allegedly given by her to him as loan, the accused flatly refused, stating that he would not return anything and she was free to take whatever action she wanted. Thereafter, he left her company and did not return.

10. The learned Advocate appearing for the applicant submitted that the entire case of the prosecution rests on the allegation of the prosecutrix that the applicant, on the basis of a promise of marriage, committed forcible sexual intercourse with her. It is pointed out that the First Information Report itself records that the prosecutrix was in a consensual relationship with the applicant for quite some time. In fact, on an earlier occasion also, the prosecutrix had lodged First Information Report bearing No. 954 of 2024 against the applicant for the offence punishable under Section 376 of the Indian Penal Code and other allied provisions. The applicant, however, was released on bail in the said case. Thereafter, notwithstanding the earlier allegations, the prosecutrix again resumed cohabitation with the applicant of her own volition. The allegations in the present First Information Report pertain to the period after 19th September 2024, when the applicant came out on bail, and it is alleged that he established physical relations with the prosecutrix between 15/02/2025 and 16/03/2025 under the pretext of marriage. According to the learned Advocate, in the

backdrop of the admitted relationship and the conduct of the prosecutrix in continuing to reside with the applicant even after the earlier incident, it cannot be said that there was a case of forcible sexual intercourse. It is his submission that the applicant has been falsely implicated, and considering the overall circumstances, he deserves to be enlarged on bail.

11. Per contra, the learned APP appearing for the State, assisted by the learned Advocate representing the prosecutrix, vehemently opposed the grant of bail. It is contended that the allegations made by the prosecutrix cannot be brushed aside at this stage. According to them, though the prosecutrix was acquainted with the applicant, the material on record prima facie indicates that the applicant had induced her to consent to sexual relations by making a false promise of marriage, which he never intended to fulfill. It is further submitted that the veracity of these allegations will have to be tested in the course of the trial, but at this stage, there is sufficient material to infer that the applicant misused the trust and obtained consent by deceit. Considering the seriousness of the accusation, they submit that the applicant does not deserve the discretionary relief of bail, and the present application therefore deserves to be rejected.

12. I have carefully considered the submissions of the learned Advocate for the applicant, the learned APP for the State, as well as the learned Advocate representing the prosecutrix. I have also perused the First Information Report and the material placed on record.

13. At the outset, it is not in dispute that the prosecutrix and the applicant were known to each other and were in a relationship for quite some time. The record shows that on an earlier occasion also, a First Information Report bearing No. 954 of 2024 was registered against the applicant for similar allegations. However, after the applicant was released on bail in that case, the prosecutrix again resumed cohabitation with him of her own choice. This conduct of the prosecutrix prima facie indicates that the relationship between the parties was consensual in nature.

14. It further appears that the present allegations are made with respect to the period between 15/02/2025 and 16/03/2025, that is, after the applicant's release from jail in the earlier case. Thus, the prosecutrix, despite being aware of the previous incident and despite lodging the earlier report, again continued her association with the applicant. This aspect creates doubt as to whether the physical relationship complained of was truly against her will or whether it was part of a consensual relationship that later turned sour when disputes arose between them.

15. At this stage, it would not be proper to express any conclusive opinion on the merits of the allegations, as the same are subject matter of trial. However, for the limited purpose of considering bail, the Court is required to see whether there exists a reasonable ground for continuing the custody of the applicant. The applicant has already been in custody since his arrest. The investigation appears to have made sufficient progress and the charge-sheet can be filed without further custodial interrogation.

16. The offences alleged are undoubtedly serious in nature. However, they are not punishable with death penalty. The applicant has roots in society and is not shown to be a flight risk. Appropriate conditions can be imposed to ensure that he does not tamper with prosecution evidence or pressurize the prosecutrix. The balance, therefore, tilts in favour of granting bail, particularly keeping in mind the principle that bail is the rule and jail is the exception.

17. In view of the above discussion, this Court is of the opinion that a case for grant of bail is made out. The apprehensions expressed by the prosecution can be taken care of by imposing suitable conditions.

18. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant Mr. Nimish Ravikant Lokhande is directed to be released on regular bail in connection with C.R. No. I-353 of 2025, upon furnishing a personal bond of Rs.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 evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly family members of the deceased.

(b) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(c) 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.

(d) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

19. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)