

Shabnoor

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

BAIL APPLICATION NO. 3287 OF 2025

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Deepak Vashishth Pandey ... Applicant
V/s.
State of Maharashtra & Anr. ... Respondents

Mr. Satish R. Mishra a/w Divya Ranpise with Yogita Chaubey, for the applicant.

Mrs. Shilpa G. Talhar, APP for the State – respondent.

Mr. Chandugade Rajesh, PI, (IO), Pant Nagar Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 21, 2025

P.C.:

1. The present bail application is filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking his release in connection with Crime Register No. 824 of 2025 registered with Pant Nagar Police Station. The applicant is charged for offences punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. The brief facts of the prosecution case are that on 10 July 2025, the complainant lodged a report at the concerned police station alleging that between 1 July 2024 and 21 March 2025, the applicant, under the false pretext of marriage and without any genuine intention of solemnizing the same, engaged in sexual relations with her.

3. It appears from the record that the applicant had earlier

approached the learned Sessions Court by filing a bail application. However, the same came to be rejected by the learned Sessions Court. Aggrieved thereby, the applicant has now preferred the present bail application before this Court.

4. Learned Advocate appearing on behalf of the applicant submitted that even if the allegations made in the First Information Report (FIR) are taken at their face value, the same reveal that the complainant was in a relationship with the applicant during the period from July 2024 till March 2025. It is further pointed out that the FIR itself discloses that there were repeated instances of physical intimacy during the said period. However, despite the alleged acts having occurred much earlier, the complainant chose to lodge the FIR only in July 2025, after a considerable delay of almost four months. Learned counsel submits that the relationship was purely consensual in nature, and it is not a case of forcible sexual intercourse.

5. It is further submitted that the complainant herself has filed an affidavit before the learned Sessions Court wherein she has categorically stated that the FIR was lodged due to a misunderstanding between the parties, and that she does not wish to pursue the allegations against the applicant. She has also expressed that she has no objection if the applicant is released on bail. According to the learned counsel, this affidavit itself shows that the allegations are doubtful and continuation of the applicant's custody would amount to unnecessary incarceration.

6. On the other hand, learned APP has strongly opposed the

bail application. It is submitted that the investigation is still at a very nascent stage and important aspects are yet to be verified. The learned APP contends that in cases of this nature, fresh material often surfaces during investigation and, therefore, releasing the applicant at this juncture may adversely affect the progress of the investigation. She, therefore, prayed for rejection of the present application.

7. I have considered the rival submissions and perused the material available on record. The allegations against the applicant are that he established physical relations with the complainant on the false assurance of marriage. However, what is evident from the FIR itself is that the parties were admittedly in a relationship over a considerable period of time, i.e., from July 2024 till March 2025. The FIR further narrates that there were repeated instances of physical intimacy during that period.

8. A significant factor which cannot be overlooked is the delay in lodging the FIR. The complainant claims that the last alleged incident took place in March 2025, yet the FIR came to be filed only in July 2025, after almost four months. The delay in lodging the FIR, particularly in cases of this nature, creates doubt and assumes importance while considering the application for bail.

9. Furthermore, the complainant herself has filed an affidavit before the learned Sessions Court stating that the complaint was the result of a misunderstanding and that she has no objection if the applicant is granted bail. Though such an affidavit cannot by itself wipe out the allegations in the FIR, it does reflect the present

attitude of the complainant and reduces the likelihood of the applicant attempting to influence her during the course of investigation.

10. It is also pertinent to note that the investigation is still in progress and the applicant has already undergone a period of incarceration since his arrest. The learned APP has opposed the bail on the ground that new material may surface during investigation. However, it is well settled that bail is the rule and jail is the exception. The liberty of an individual cannot be curtailed indefinitely, particularly when the allegations are doubtful, the relationship appears consensual, and the complainant herself does not wish to oppose the bail.

11. The apprehension expressed by the prosecution can be safeguarded by imposing appropriate conditions while granting bail to the applicant.

12. In view of the above discussion, I am of the considered opinion that a case for grant of bail is made out.

13. Hence, the following order :

(i) The Bail Application is allowed.

(ii) The applicant shall be released on bail in connection with Crime Register No. 824 of 2025 registered with Pant Nagar Police Station for offences punishable under Section 69 of BNS, 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 tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness.

(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 report to the Pant Nagar Police Station, on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.

(d) The applicant shall not leave the territorial jurisdiction of the State of Maharashtra without prior written permission of the Trial Court.

(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.

14. The Bail Application is accordingly disposed of in above terms.

(AMIT BORKAR, J.)