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

BAIL APPLICATION NO. 3420 OF 2025

Parth Yashwant Shelke

... Applicant

V/s.

State of Maharashtra

... Respondent

Mr. Nilesh Navale for the applicant.

Mrs. Megha Bajoria, APP for respondent No.1-State.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 4, 2025

P.C.:

1. By the present bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “BNSS”), the applicant seeks regular bail in connection with Crime Register No. I-341 of 2025 registered with Kalwa Police Station. The offences alleged against him are punishable under Sections 69, 115(2), 305 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS”).

2. The case of the prosecution, in brief, is that the complainant, Sheetal Rajesh Kedare, aged 36 years and resident of Thane (West), was married in the year 2006 to one Rajesh Kedare. From this marriage, a son named Yash was born, who is now aged about 17 years. Due to matrimonial disputes, the complainant and her husband separated in the year 2009 by executing a bond paper recording mutual separation.

3. In the year 2023, while employed at Aditya Birla Company, Parel, the complainant came in contact with the present applicant, Parth Shelke, through WhatsApp messages from mobile number 9870460500. Their acquaintance developed into friendship, which later turned into a romantic relationship. The applicant represented himself as a divorced person having a son and also expressed willingness to marry the complainant. On 6th June 2023, the applicant allegedly took the complainant to his residence at Sagardeep Building, Kalwa, where they discussed marriage. The complainant has alleged that the applicant thereafter established physical relations with her against her will on multiple occasions by assuring her of marriage. In June 2023, during one such visit to the applicant's residence, the complainant found an unknown woman present. On questioning, she received vague replies. On checking the applicant's mobile phone, she allegedly discovered obscene chats and photographs with other women. When confronted, the applicant is stated to have consumed alcohol and harassed her.

4. Thereafter, when the complainant tried to distance herself, the applicant persuaded her to accompany him to his native place at Kolhapur, where he introduced one Vandana Shelke as his sister. Later, the complainant discovered that Vandana Shelke was in fact the applicant's mother. Subsequently, the applicant admitted that he was married to one Shruti and that matrimonial disputes with her were pending before the Court. It is further alleged that Vandana Shelke also assured the complainant that divorce proceedings would be concluded soon. The complainant alleged

that the applicant, who is employed as a cameraman in the television serial 'Big Boss', used to work irregularly, and whenever unemployed, demanded money from her.

5. In February 2024, on the occasion of his birthday, the applicant demanded a gold ring. When the complainant initially refused, he quarreled with her. Thereafter, she purchased an 8-gram gold ring, which the applicant kept for his own use. It is further alleged that during the subsistence of the relationship, the complainant extended financial assistance to the applicant on several occasions. She also took a friend's four-wheeler on loan and paid four installments towards the same at the insistence of the applicant. The complainant has further alleged that the applicant frequently demanded money and, upon her refusal, used to quarrel with her and physically assault her. Under such pressure, she continued to provide him money and also purchased several household items. The applicant allegedly compelled her to spend about Rs.70,000/- to Rs.80,000/- on the renovation and decoration of his house and also took Rs.1,00,000/- to Rs.1,50,000/- for personal expenses. In addition, in 2023, he is stated to have taken Rs.50,000/- from her for expenses relating to Ganpati festival. Whenever the complainant raised the issue of marriage, the applicant allegedly consumed liquor, physically assaulted her, and subjected her to mental harassment. She has also alleged that the applicant had relationships with other women and even brought them home, which she claims to have evidence of.

6. In August 2024, when the Sagardeep Building was declared dangerous, the complainant and the applicant jointly rented a room at Kalwa, behind National Bar, where they resided together. It is alleged that during this period too, the applicant continued physical relations with her. Eventually, the complainant realised that the applicant had no intention of marrying her and was merely exploiting her. In February 2025, when she went to his house, she found him absent, which caused her severe mental distress and deterioration of health. She claims to have undergone treatment at Universal Hospital, Castle Mill, but despite her condition, the applicant neither visited nor contacted her.

7. According to the complainant, from the very beginning, the applicant, though married to Shruti, misrepresented himself as divorced and, under false promises of marriage, induced her into physical relations against her will. She further alleged that his mother, Vandana Shelke, actively supported him by giving false assurances of divorce. Upon discovering photographs of other women in the applicant's phone and confronting him, the complainant was allegedly assaulted and continuously subjected to both mental and physical cruelty between 2023 and February 2025. Based on these allegations, she lodged the present FIR against both the applicant and his mother, Vandana Shelke.

8. Learned Advocate appearing for the applicant has invited attention to the FIR, which indicates that the complainant and the applicant were in a live-in relationship from 2023 to February 2025. He submitted that the narration of incidents does not disclose use of force or coercion and that the complainant herself

admits the relationship. He submitted that the prosecutrix is 36 years old, whereas the applicant is 34 years old. He further argued that the allegations, at best, relate to consent obtained on a false promise of marriage, which is a matter for trial and not for bail stage. It is also pointed out that the applicant has no criminal antecedents. Hence, he prayed that the applicant be released on regular bail.

9. Per contra, learned APP for the State has opposed the bail application, contending that the allegations are grave and serious. She argued that consent obtained on a false promise of marriage cannot be treated as consent in law. Therefore, the essential ingredients of the offences alleged stand fulfilled, and hence, the applicant does not deserve the discretionary relief of bail. She, therefore, prayed for rejection of the application.

10. I have carefully considered the rival submissions and perused the record including the First Information Report. At this stage, it is settled law that while dealing with an application for bail, this Court is not required to conduct a detailed examination of the evidence as that would fall within the domain of trial. The limited question is whether the applicant has made out a case for being enlarged on bail pending trial.

11. The allegations in the FIR do indicate that the applicant and the complainant were known to each other since 2023 and thereafter entered into a live-in relationship which continued till February 2025. The complainant is a matured lady aged 36 years, while the applicant himself is aged 34 years. The relationship

between the parties appears to have been consensual for a considerable length of time. Whether the consent of the complainant was vitiated on account of a false promise of marriage is a matter which requires appreciation of evidence and can be gone into only during the course of trial.

12. The FIR also makes reference to several monetary transactions between the complainant and the applicant. However, whether such payments were voluntary contributions in the course of a live-in relationship or were made under coercion and threat, is again a disputed question of fact, which cannot be conclusively determined at this stage.

13. It is not the case of the prosecution that the applicant used any force or exercised any undue influence at the inception of the relationship. The element of promise of marriage and the issue of consent are questions of interpretation of facts which the trial Court will have to adjudicate upon after recording evidence.

14. The applicant has no criminal antecedents. He has been in custody since the date of his arrest, and the charge-sheet has already been filed. The custodial interrogation of the applicant is, therefore, not required. Continued detention of the applicant would amount to pre-trial punishment, which is not permissible in view of the fundamental right to personal liberty guaranteed under Article 21 of the Constitution of India.

15. It is well settled that “bail is the rule and jail is the exception”. Unless there are compelling reasons such as the possibility of tampering with witnesses, influencing the

complainant, or absconding from trial, an accused is entitled to be released on bail. The apprehensions expressed by the prosecution can be safeguarded by imposing appropriate conditions.

16. Having regard to the overall facts, the nature of allegations, the age and maturity of the parties, absence of criminal antecedents, completion of investigation, and filing of charge-sheet, I am of the view that further custody of the applicant is not necessary. The purpose of trial can be secured by directing the applicant to furnish sureties and to abide by conditions ensuring his presence before the Court.

17. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with C.R. No. I-341 of 2025, registered with Kalwa Police Station, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand) 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 report to the Kalwa Police Station once in three months, specifically on the 1st day, between 10:00 a.m. and 12:00 noon, until further orders.

(c) The applicant shall not leave the territorial jurisdiction of the Trial Court without its prior written permission.

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

(e) 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.

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

18. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)