

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

BAIL APPLICATION NO.3498 OF 2025

Manohar Chintamani Kadhare

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. D.S.Mhaispurkar h/f Mr Hrishikesh Pawaskar, *for the Applicant.*

Mr. Yogesh Y. Dabke, *APP for the Respondent - State.*

Mr. Ashley Cusher, *appointed Advocate for the Respondent No.2 through the legal aid.*

PI – Rani Puri a/w PSI – Mengal, Aarey Police Station,
present.

CORAM DR. NEELA GOKHALE, J.
DATED: 26th SEPTEMBER 2025

PC:-

1. By this Application, the Applicant seeks his release on bail in connection with C.R.No.99 of 2025 dated 25th June, 2025, registered with the Aarey Police Station, District: Brihanmumbai City for the offence punishable under Section 69 of the Bhartiya Nyaya Sanhita, 2023 ('BNS').

2. By order dated 17th June, 2025, the Applicant was directed to implead victim / complainant as Respondent No.2.

Notice was issued to her and she is duly represented by an Advocate from the legal aid panel.

3. The case of the prosecution in brief is that, the victim / the First informant, a 36 years of age, married woman with 3 children aged 14 years, 11 years and 9 years respectively, is presently estranged from her husband. Their marriage is not dissolved by a decree of divorce as yet. It is the case of the victim / complainant that she met the Applicant in the year 2022. They developed some relationship and on assurance of marriage, the victim / complainant and the Applicant had a sexual relationship with each other. It is also her case that they sexual intercourse on a number of occasions. The Applicant had always promised to marry her. Ultimately, the Applicant refused to marry her and hence she has filed a complaint leading to registration of the FIR.

4. The Applicant filed bail application before the trial Court, however, by order dated 14th August, 2025, the said

bail application was rejected. Hence, the Applicant has filed the present Bail Application for the relief as prayed.

5. Mr. Mhaispurkar, learned counsel for the Applicant submits that Applicant was arrested on 22nd July, 2025, and charge-sheet was filed only after the Bail Application was moved. The relationship between the Applicant and the Complainant was consensual in nature and he fully intended to marry her. However, he learnt that the victim / complainant was married, with 3 children and hence he was unable to see through his assurance of marriage. In these circumstances, despite the complainant already being married, she has filed complaint leading to registration of the FIR.

6. Per contra, Mr. Cusher, learned counsel representing the Respondent No.2 submits that complainant has suffered sexual exploitation at the hands of the Applicant on a calculated false promise of marriage and care of her 3 children. He submits that Applicant was already was aware of the existing marital status of the complainant and the

existence of her children. Despite that he has sexually exploited her. He thus, resists the bail application.

7. Mr. Dabke, learned APP representing the State supports the contention of the learned counsel for the Respondent No.2. He tendered on record statement of Complainant recorded under Section 164 of the Cr.PC, which is consistent with her statement in the complaint. He submits that there is no long incarceration of the Applicant and charges are likely to be framed at the early stage. Hence, he prays that Application be rejected.

8. I have heard learned counsel for the respective parties and perused the record of the case with their assistance.

9. A plain reading of the FIR clearly indicates certain element of consent in the sexual relationship. The Complainant is aged 36 years and had 3 children and Applicant is of 39 years. Both are married and are well aware

of the consequences of their act. It appears from the statement of the Complainant that she did not resist the sexual relationship, however, she expected that Applicant will marry her. But she was already married and was bound to know that until her marriage with her husband was dissolved by a decree of divorce granted by a court of competent jurisdiction, the Applicant could not have married her. *Prima facie* there does not seem to be an offence committed by the Applicant. He has suffered incarceration for 2 and ½ months. He is driver by profession and was also married. His wife is deceased and he is required to look after his two minor daughters. In these facts and circumstances, I am inclined to grant bail to the Applicant. Hence, I pass following order: -

ORDER

- i) The Applicant be released on bail, on executing PR Bond in the sum of Rs.15,000/ with one or two local sureties in the like amount;

ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall also attend the concerned Police Station once in a month between 11:00 a.m. to 02:00 p.m.;

iv) The Applicant shall not enter the jurisdiction of Kurla Police Station until the charges are framed;

v) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;

vi) The Applicant shall not leave India, without the permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) The Applicant shall inform his latest place of residence and mobile contact number immediately

after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

10. Application is allowed in the above terms and is accordingly disposed of.

11. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)