

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

Anticipatory Bail Application No.283 of 2025

Harsh Kiran Parekh
Adult, Indian Inhabitant, aged
about 41 years, Residing at
Flat No.1003, Smruti Apartment,
M G Cross Road No.4, Behind
Patel Nagar, Kandivali (West),
Mumbai – 400 067.

... Applicant

versus

1. The State of Maharashtra
(At the instance of Senior Inspector
of Police, Malwani Police Station, Mumbai)

2. XYZ

...Respondents

Mr Himanshu Patil a/w Mr Madhav Suryawanshi a/w Mr
Akshay Kulkarni i/b Mr Sangharsh Waghmare, for the
Applicant.

Mr Anand Shalgaonkar, APP, for Respondent / State.

Mr Vicky Sharma, for Respondent No.2.

PSI Sunil Sonawane (Pairavi), Charkop Police Station, Mumbai,
is present.

Coram: R.N. Laddha, J.

Date: 15 July 2025

P.C.:

Heard Mr Himanshu Patil, the learned Counsel appearing on behalf of the applicant, Mr Anand Shalgaonkar, the learned Additional Public Prosecutor representing respondent No.1, and Mr Vicky Sharma, the learned Counsel appearing for respondent No.2.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.646 of 2024, registered at Charkop Police Station, Mumbai, for the offences punishable under Sections 376, 376(2)(n), 377 and 506 of the Indian Penal Code.

3. The applicant stands accused of emotionally manipulating the victim by expressing intentions of marriage and engaging in physical relations with her on numerous occasions.

4. The learned Counsel appearing on behalf of the applicant submits that both the applicant and the informant are consenting adults who were engaged in a mutual and consensual relationship, and both parties are married. The alleged incidents occurred between 19 March 2022 and 25 June 2024; however, the alleged crime was registered only on 17 December 2024. The significant delay in lodging the FIR raises questions regarding the credibility of the allegations. The

learned Counsel further submits that the applicant has undergone a medical examination as required and cooperated with the investigation. Nothing is to be recovered or discovered from the applicant. The applicant is ready to abide by any conditions this Court imposes if granted bail.

5. On the other hand, the learned Additional Public Prosecutor representing respondent No.1 and the learned Counsel for respondent No.2 jointly contend that the offence in question is of a serious and grave nature. They assert that the applicant misled the victim by making a false promise of marriage, thereby deceiving her. The learned APP, however, acknowledges that the applicant has undergone a medical examination, the investigation is almost complete, and there is nothing to be recovered or discovered from the applicant.

6. Upon perusing the records, it transpires that both the applicant and the victim/ respondent No.2 are adults of legal age. The record further shows that the two individuals were married and were engaged in a consensual relationship. The said relationship commenced in March 2022 and continued until June 2024. It also appears from the records that the applicant has already undergone the requisite medical examination as part of the investigative process. Moreover, it

appears that the investigation is at an advanced stage and nearing its conclusion. Nothing remains to be recovered or discovered from the applicant. The prosecution's apprehensions about evidence tampering or witness influence can be addressed by imposing appropriate conditions. In the circumstances, this Court is inclined to exercise its discretion in favour of the applicant. Hence, the following order:

ORDER

- (i) In the event of the applicant's arrest in CR No.646 of 2024, registered at Charkop Police Station, Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant shall attend the concerned Police Station as and when required by the investigating officer.
- (iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)