

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1435 OF 2025

Sandeep Ramdas Sadavarte ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

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Mr. Deepak Kushwaha a/w Mr. S.J. Shelke, for the Applicant.

Mr. Anand Shalgaonkar, APP for the Respondent-State.

Mr. Devang V. Thakur, for the Respondent No.2.

PSI-Prachi Pange, Neral Police Station, present in Court.

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CORAM : ASHWIN D. BHOBE, J.

DATE : 3rd JUNE, 2025
(VACATION COURT)

P.C. :-

1. Heard Mr. Deepak Kushwaha along with Mr. Shelke, learned Advocate for the Applicant, Mr. Anand Shalgaonkar, learned APP for the Respondent-State and Mr. Devang Thakur, learned Advocate for the Respondent No.2 .

2. By the present Application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "**BNSS**"),

the Applicant is before this Court seeking pre-arrest Bail in connection with C.R. No.61 of 2025 registered with the Neral Police Station, Raigad, for the offences punishable under Sections 115(2), 336(2), 336(3), 351(2), 64(2)(m), 69, 88 of Bharatiya Nyaya Sanhita, 2023 (for short “BNS”).

3. Case of the Prosecution is that the Applicant and the Respondent No.2 were in relation. Applicant had promised to marry the Respondent No.2. Applicant had sexual intercourse with the Respondent No.2 on many occasions, on the said promise to marry. Respondent No.2 realized that the Applicant was taking advantage of the Respondent No.2 and had no intention to fulfill his promise to marry. Respondent No.2 was forced to keep physical relation with the Applicant due to the threats issued by the Applicant. Respondent No.2 was pregnant from the Applicant and had to terminate her pregnancy on 4 occasions. Applicant has taken photographs of the Respondent No.2, which the Applicant is using against the Respondent No.2. Applicant has prepared false documents like Pan Card and Aadhar Card of the Respondent No.2. Respondent No.2 was married subsequently. Applicant has

been forwarding the said photographs and the medical papers of the Applicant to the husband of the Respondent No.2.

4. Criminal Bail Application No.344 of 2025 filed by the Applicant before the Court of the Additional Sessions Judge, Panvel, District Raigad was dismissed on 13.05.2025.

5. Mr. Deepak Kushwa, learned Advocate for the Applicant submits that the relation of the Applicant with the Respondent No.2 was cordial and mutual. He submits that the Respondent No.2 has falsely alleged of the relation between the Applicant and the Respondent No.2 being premised on promise to marry. He submits that the relationship of the Applicant with the Respondent No.2 was consensual. He submits that the crime registered against the Applicant, at the instance of the Respondent No.2, is to extort money from the Applicant, which is evident from the notice dated 07.04.2025 issued by the Respondent No.2. By drawing the attention to the documents enclosed to the Bail Application, which includes messages, photographs, he submits that the allegations made by the Respondent No.2 are not bona fide. He submits that the

Applicant is ready to cooperate with the investigation, as such, custodial interrogation of the Applicant, in the present crime, is not required. Mr. Kushwaha, learned Advocate for the Applicant has relied on the decisions of this Court in the case of *Mahesh Balkrishna Dandane V/s. State of Maharashtra*¹, *Nitin s/o Marotrao Vaidya V/s. State of Maharashtra & Another*,² and *Mr. Sidhant Anandrao Sonkamble V/s. The State of Maharashtra*,³.

6. Mr. Shalgaonkar, learned APP for the Respondent-State submits that the complaint clearly makes out a case of the offence as alleged against the Applicant. He submits that statement under Section 164 of the Respondent No.2 is recorded, wherein she has narrated in detail the act of the Respondent No.2 being subjected to sexual assault and she being raped. He submits that the Applicant, a married person, has taken advantage of the Respondent No.2 on a false promise to marry. He submits that the investigation is at a preliminary stage. He submits that the recoveries are required

1 2015 ALL MR (Cri) 2805

2 Criminal Appeal No.377 of 2024 decided on 19.09.2024

3 Anticipatory Bail Application No.170 of 2022 decided on 28.03.2022

to be made from the Applicant. He submits that the Applicant is absconding. He submits that custodial interrogation of the Applicant is required in the present matter.

7. Mr. Devang Thakur, learned Advocate for the Respondent No.2 states that the Respondent No.2 was physically abused and sexually assaulted. He submits that the Applicant is a married man. He submits that from the inception, the Applicant had no intention to marry and gave the false promise to marry with sole intention to take physical advantage of the Respondent No.2. He submits that on such false promise, the Applicant had sexual intercourse with the Respondent No.2. He submits that the consent of the Applicant was on the basis of the promise to marry as made by the Applicant. He submits that the promise to marry as made, was a promise that was false since inception. He submits that the Respondent No.2 was pregnant on 4 occasions and had to terminate the pregnancy as the Applicant failed to keep the promise. He further submits that the Applicant has been harassing the Respondent No.2 by using the earlier photographs and documents of the Respondent No.2.

Applicant has created false document of the Respondent No.2.

8. I have given due consideration to the arguments advanced by the learned Advocates and gone through the records with the able assistance of the learned Advocates.

9. From the nature of the allegations in the crime, the involvement of the Applicant in the offence is made out. Allegations made against the Applicant indicate that from inception, the Applicant, who gave promise to the Respondent No.2 to marry did not have intention to marry and the consent of the Applicant for sexual intercourse was on the assurance given by the Applicant. Prima facie, from the statement of the Respondent No.2 recorded under Section 164 of Cr.P.C., it appears that the consent obtained by the Applicant was on a misconception, as such, the contention of the learned Advocate that there is consent for sexual relationship would not excuse the Applicant of the offence as alleged to have been committed in the present crime.

10. It is trite law that if established that from the inception, the consent by the victim is a result of false promise to marry,

there will be no consent and in such case the offence of rape will be made out. Of course, this would be a matter of investigation.

11. I have perused the decisions referred by the learned Advocate for the Applicant. Facts in the said discretionary orders passed by the Court are different and not even similar, much less, identical to the facts of the present case. In the present case, the Applicant is a married person, who is alleged to have taken advantage of the Respondent No.2 on the false promise of marriage. Respondent No.2 had to abort her pregnancy on 4 occasions. Decisions relied by the learned Advocate for the Applicant do not support the case of the Applicant.

12. Applicant is said to be absconding.

13. In view of the above, no case is made out to grant the Anticipatory Bail to the Applicant. Hence, **Anticipatory Bail Application No.1435 of 2025 is dismissed.**

[ASHWIN D. BHOBE, J.]