

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

Anticipatory Bail Application No.1645 of 2025

Akash K Phakatkar Applicant.
Vs.
The State of Maharashtra & Anr. Respondents.

Mr Piyush Hushing a/w Sahil Ghule for the applicant.
Mr YY Dabke, APP for respondent/State.

**Coram : R.N.Laddha, J.
Date : 19 June 2025.**

P.C. :

The learned Counsel for the applicant submits that the relationship between the applicant and the informant had been consensual since the year 2020. The informant is of legal age and was fully aware of the implications of engaging in a physical relationship with the applicant. He further submits that the alleged incidents occurred prior to the enactment of Section 69 of the BNS, and as such, the said provision is not applicable to the present case. Furthermore, the essential ingredients of Section 69 are not made out, and hence, the present matter does not fall within the ambit of Section 69 of the BNS.

2. Issue notice to respondent No.2.
3. The learned APP seeks an adjournment on the count that the investigating officer is not present and assures the Court that the applicant will not be arrested in the present crime till the next date. In the meanwhile, the applicant shall attend the concerned police station on 23 and 24 June 2025, between 11:00 a.m. and 2:00 p.m. and cooperate with the investigation.
4. Stand over to **16 July 2025**.

[R. N. Laddha, J.]