

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

ANTICIPATORY BAIL APPLICATION NO.2681 OF 2025

Abhimanyu Tyagi ... Applicant
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. Girish Kulkarni, Senior Advocate a/w Aditya Mithe a/w Sachin Agawane a/w Esha Joshi for the Applicant.

Ms. R. D. Humane, APP for Respondent No.1-State.

Mr. Chaitanya Pendse i/by Bhakti Deshpande & Zoheb Merchant for Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 15TH OCTOBER 2025

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1. This is an Application for anticipatory bail.
2. The Applicant is apprehending his arrest in Crime No.651 of 2025 registered with MIDC Police Station, Andheri, for the offences punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023.
3. The prosecution case is that in the year 2019, the victim and the Applicant became acquainted as colleagues while working in the same company. Subsequently, a love relationship developed between them and on 16th July 2022 the Applicant proposed the victim for marriage. Thereafter, on 4th August 2022 the Applicant invited the victim to his residence as he was alone and promised her that the same will be her

house after marriage. At that time, under the pretext of marriage, the Applicant allegedly committed forcible sexual intercourse with the victim. It is alleged that during the course of their relationship from the years 2022 to 2025, the Applicant established physical relations with the victim on multiple occasions. On 28th August 2023 the victim discovered that she was pregnant. It is alleged that the Applicant suggested her to undergo an abortion as he was not ready to marry the victim at that time due to certain family issues. Accordingly on 3rd September 2023, the victim underwent an abortion upon the insistence of the Applicant to consume the abortion pill. It is alleged that the Applicant assured the victim of marrying her and persuaded her to resign from their company, as its policy prohibits spouses from working in the same company. Accordingly on 3rd July 2025, the victim resigned from her job and joined a new company on 7th July 2025. Thereafter on 18th July 2025, upon the victim's request to get married, it is alleged that the Applicant refused, stating that he no longer had feelings for her. Consequently, the present crime came to be registered.

4. I have heard Learned Senior Counsel for the Applicant, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2-victim.

5. The Learned Senior Counsel for the Applicant submits that the victim is six and a half years older than the Applicant. It is submitted that the victim and the Applicant were in a consensual relationship for three years and the physical intimacy between the two was consensual in nature. It is submitted that in July 2023, upon discovering the pregnancy

of the victim, the Applicant and the victim both mutually decided not to get married immediately as they were not financially settled. It is submitted that the decision to abort the said pregnancy was taken by the victim herself without any insistence from the Applicant. In support of the said submissions, Learned Senior Counsel for the Applicant has drawn my attention to the WhatsApp chats wherein on the relevant date the victim has voluntarily said that she will be taking the abortion pill as soon as they leave the diagnostic centre. It is submitted that the Applicant had informed his parents about his relationship with the victim as well as introduced the victim to his sister, thereby emphasizing upon his seriousness with regards to their relationship. It is submitted that the victim's mother suggested the Applicant to undergo religious conversion as the Applicant is Hindu by religion and the victim is Christian by religion prior to marriage. It is submitted that despite initiation of talks regarding marriage, the same did not fructify due to the temperamental differences between the victim and the Applicant on account of the suggestion for religious conversion by the victim's mother. It is submitted that the Applicant's act cannot be considered as a false promise of marriage, at best the same can be considered a breach of promise of marriage due to the intervening circumstances mentioned earlier. The Learned Senior Counsel for the Applicant in support of the submission has relied upon the judgement of the Hon'ble Supreme Court in the case of ***Pramod Suryabhan Pawar vs. State of Maharashtra & Anr.***¹.

6. The Learned APP for Respondent No.1-State and the Learned Counsel for Respondent No.2-victim submit that from the year 2022 to

1 (2019) 9 SCC 608

2025, the Applicant established sexual relations with the victim under the pretext of false promise of marriage. It is submitted that in July 2023, when the victim disclosed to the Applicant that she was pregnant and conveyed her willingness to marry him as per his promise, at that time, the Applicant persuaded the victim to undergo an abortion as he could not marry her immediately due to family issues. It is submitted that the victim unwillingly underwent an abortion as per the wishes of the Applicant in order to sustain their relationship. It is submitted that the Applicant time and again had discussions with the victim regarding future planning as well as specific timelines for marriage. It is submitted that in July 2025, the victim resigned from her existing job and joined a new job upon the insistence of the Applicant citing company policy regarding restriction upon spouses working in the same company. It is further submitted that an abrupt and unexplained withdrawal from relationship has deeply traumatized the complainant who is a 37-year-old lady, having undergone an abortion and therefore having slim chances for healthy pregnancies in future. It is submitted that considering the nature of crime, the Applicant may not be released on anticipatory bail.

7. I have perused the FIR and WhatsApp chats. *Prima facie* it appears that the Applicant has initially made a promise to marry the victim and the same was accepted by the victim. Thereafter, the Applicant has established sexual relations with the victim on multiple occasions upon the said promise of marriage. It is evident from the perusal of the WhatsApp chats that the victim was willing to carry the pregnancy to term due to the promise of marriage made by the Applicant, however, the same was

aborted at the instance of the Applicant. The same can be inferred from the initial attempts made by the victim to convince the Applicant against abortion as well as the regret demonstrated by the victim later on. According to the Applicant, the mother of the victim suggested religious conversion, however, there is no material produced on record to that effect. On the contrary, photographs produced on record belies the claim of the Applicant. Considering the overall facts and circumstances of the present case, I am not inclined to grant anticipatory bail to the Applicant. The Anticipatory Bail Application is accordingly rejected.

(N.R. BORKAR, J.)