

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3036 OF 2025

Abhishek A. Mishra
V/s.
The State of Maharashtra

...Applicant
...Respondent.

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Mr. Mithilesh Mishra a/w. Adv. Nanasvi Bhanushali a/w. Adv. Shweta Mishra, Adv. Rushan Balsara and Adv. Vivek Tirumala for the Applicant.
Mr. R.M. Pethe, APP for the Respondent/State.
Mr. Subodh Desai, Sr. Advocate i/b Mr. Manoj Badgujar for the first informant.
API Siddharth D. Malvani Police Station present.

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CORAM : N.R. BORKAR, J.
DATE : 11.11.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No. 1313 of 2025 registered at Malvani Police Station for the offences punishable under Sections 69 and 351(2) of the Bharatiya Nyaya Sanhita, 2023.
3. According to the prosecution, in the year 2021, the applicant and the victim became acquainted through social media and as such a love relationship developed between them. The allegation against the present applicant is that he subjected the victim to forcible sexual intercourse on multiple occasions, under a false promise of marriage. Subsequently in 2024, the victim found out

that the applicant had already married someone else. Upon being confronted by the victim, the applicant threatened to disclose about their affair to her parents as well as threatened to make her objectionable pictures viral. Accordingly, the present crime came to be registered.

4. I have heard the learned counsel appearing for the applicant, the learned APP for the respondent / State and the learned senior advocate for the first informant.

5. Learned counsel for the applicant submits that the applicant and the victim belong to different religions. It is submitted that there was no promise of marriage and the alleged act was consensual. It is further submitted that the FIR came to be lodged at the instance of the wife of the applicant and his in-laws due to ongoing matrimonial dispute amongst them.

6. On the other hand, learned APP for the respondent/State and learned senior advocate for the first informant submit that since inception the intention of the applicant was to engage in sexual relations with the victim on the false promise of marriage. It is submitted that considering the nature of crime, the applicant may not be released on anticipatory bail.

7. I have perused the first information report lodged by the victim. According to her, she came to know about the applicant's marriage with another woman in 2025. When she confronted the

applicant regarding the same, it is alleged that the applicant threatened her. However, despite being aware of his marriage, the victim did not lodge any complaint at that time. She lodged the complaint, as according to her in September 2025, the applicant came to her house, threatened her and showed her certain objectionable photographs and threatened to make them viral. It is brought to my notice that there is ongoing matrimonial dispute between the applicant, his wife and her family and certain FIRs are lodged against the applicant. Thus *prima facie*, there appears to be substance in the submission of learned counsel for the applicant. Considering the said facts, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

- A) The Application is allowed.

- B) In the event of arrest of the applicant in C.R. No.1313 of 2025 registered at Malvani Police Station for the offences punishable under Sections 69 and 351(2) of the Bharatiya Nyaya Sanhita, 2023, he be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one surety or two sureties in the like amount.

- C) Till conclusion of the trial, the applicant shall not enter into the limits of Mumbai Municipal Corporation, except to attend the dates before the trial Court or if he is called for the purpose of interrogation by the Investigating Officer.

D] The applicant shall furnish his contact number and residential address to the Investigating Officer.

E] Liberty is granted to the prosecution as well as to the first informant to file an application for cancellation of bail, if the applicant commits breach of any of the above conditions.

8. The Application is disposed of in the aforesaid terms.

[N.R.BORKAR, J.]