

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3424 OF 2025

Ganesh Namdev Rakhpasare	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Abhishek R. Avachat i/b Indrajeet Jagdale, for the Applicant.
Ms. S.K. Gajare, APP, for the Respondent-State.
Mr. Sachin Dhamane, API, attached to Vimantal Police Station,
Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 12th DECEMBER 2025

PC:-

1. Heard Mr. Avachat, learned Counsel appearing for the Applicants and Ms. Gajare, learned APP appearing for the Respondent-State.

2. The present application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**”) seeking pre-arrest bail in connection with C.R. No.556 of 2025 with Vimantal Police Station, District Pune City registered on 01st October 2025 for the offences punishable under Sections 64(1), 64(2)(m), 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**”).

3. As per the prosecution case, by giving threats the First Informant has been sexually assaulted.

4. Mr. Avachat, learned Counsel appearing for the Applicant submits that the relationship between the Applicant and the First Informant is a consensual relationship. The Applicant and the First Informant both are married persons and there is extramarital relationship. He further submits that false FIR is filed. He submits that there are two antecedents, however, one is of the year 2016 which is under the POCSO Act and another is under Section 65E of Maharashtra Prohibition Act which is of the year 2024. As far as offence under the POCSO Act is concerned, he submits that at that time the Applicant was 23 years old and having love affair, and the Applicant has been granted bail in that case.

5. On the other hand, Ms. Gajare, learned APP, strongly opposes the Anticipatory Bail Application. She submits that the offence is very serious and there are two antecedents.

6. Perusal of the record *prima facie* shows that the Applicant and the First Informant both are married persons and having

extramarital relationship. There is no material on record except the statement of the victim that victim was constrained to keep sexual relationship with the Applicant as Applicant was giving threats. In fact, in her statement recorded under Section 183 of the BNSS, it is specifically stated that, the Applicant has given one mobile to the First Informant.

7. Thus, *prima facie* there is substance in the contention of Mr. Avachat, learned Counsel appearing for the Applicant that the FIR is a false FIR. As far as the antecedents are concerned, the one antecedent is of the year 2016 which is *inter alia* registered under POCSO Act, however, in that case the Applicant has been granted bail. In any case the said offence is of the year 2016. Another antecedent is under the Maharashtra Prohibition Act.

8. Accordingly, the case is made out for grant of Anticipatory Bail. In view thereof, the following order is passed:

ORDER

(a) In the event of arrest of the Applicant -Ganesh Namdev Rakhpasare in connection with C.R. 556 of 2025 registered with Vimantal Police Station, District

Pune City the Applicants are directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

- (b)** The Applicant shall attend the concerned Police Station on 18th December 2025 and 19th December 2025. In addition, the Applicants shall attend the concerned Police Station as and when called till filing of the chargesheet and shall cooperate with the investigation.
- (c)** The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d)** The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e)** The Applicant shall not tamper with the prosecution

evidence and shall not contact or influence the
Complainant or any witness in any manner.

9. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]