



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 479 OF 2025

Sandip Bhagwan Ambhore Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.N. Ghuge, counsel for counsel for applicant.

Mr. V.A.Thakre, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/07/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.453/2025 registered with Police Station Risod, District Washim for the offence punishable under Sections 376 and 506 of the Indian Penal Code, the applicant approached this Court for grant of anticipatory bail.

2. The crime is registered on the basis of a report lodged by the victim, on an allegation that after the death of her husband, she came into contact with the present applicant, who is a bogus doctor, and she was taking treatment. He has subjected her for forceful sexual assault in the year 2022 and repeatedly thereafter.

3. Learned counsel for the applicant submitted that the relationship between the victim and the present applicant was of a consensual nature. There was a

long-standing relationship between both of them. As far as the custodial interrogation is concerned, which is not required, he has already cooperated with the investigating agency.

4. Learned APP strongly opposed the application on the ground that, considering the specific allegations levelled against the present applicant, the custodial interrogation is required.

5. On hearing both sides and on perusal of the recitals of the FIR and the investigation papers, it reveals that there was a relationship since 2022, and now the report is lodged. Considering the nature of the relationship and the recitals of the FIR, immediate custodial interrogation is not required. As observed by the Hon'ble Apex Court in the case of ***Dr. Dhruvaram Murlidhar Sonar Vs. The State of Maharashtra & Ors. In Criminal Appeal No.1443/2018 (Arising Out Of S.L.P (Criminal) No.6532 Of 2018)*** in para number 20 which reads as under:

“20. Thus, there is a clear distinction between rape and consensual sex. The court, in such cases, must very carefully examine whether the complainant had actually wanted to marry the victim or had mala fide motives and had made a false promise to this effect only to satisfy his lust, as the later falls within the ambit of cheating or deception. There is also a distinction between mere breach of a promise and not fulfilling a false promise. If the accused has not made the promise with the sole intention to seduce the prosecutrix to indulge in sexual acts, such an act would not

amount to rape. There may be a case where the prosecutrix agrees to have sexual intercourse on account of her love and passion for the accused and not solely on account of the misconception created by accused, or where an accused, on account of circumstances which he could not have foreseen or which were beyond his control, was unable to marry her despite having every intention to do. Such cases must be treated differently. If the complainant had any mala fide intention and if he had clandestine motives, it is a clear case of rape. The acknowledged consensual physical relationship between the parties would not constitute an offence under Section 376 of the IPC.”

6. In view of the above and considering that there was a consensual relationship between the victim and the present applicant, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- a] The criminal application is **allowed**.
- b] The interim protection granted to the present applicant by order dated 02/07/2025 is hereby conformed, on the condition that the applicant shall attend the concerned police station once in a week i.e. on every Sunday between 10.00 AM and 1.00 PM till filing of the charge-sheet and shall cooperate with the investigating agency.

- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.
- d] The applicant shall not enter into the vicinity of the village Pedgaon, Taluka Risod, District Washim till culmination of the trial.

Criminal application stands **disposed of**.

[URMILA JOSHI-PHALKE, J.]