



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (BA) NO. 1096 OF 2025**

Nitin s/o Mahadeorao Gudade

Vs.

The State of Maharashtra thr. PSO, PS Old City Akola Dist. Akola

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. N.R. Tekade, Advocate for applicant.

Ms Sonia Thakur, APP for the non-applicant/State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 11.12.2025.

The applicant is arrested in Crime No.364/2025 for the offences punishable under Sections 64, 64(2)(m), 296, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is alleged that the victim has lodged the complaint on 10.05.2025 stating that the applicant and the victim/informant were in consensual relationship and the applicant had relations with her by giving assurance of marriage. It is the contention of the victim that the applicant has not informed her that he is a married person. She went to his house and they had sexual relations. Since last three years, he had relations by giving assurance of marriage. The victim is a widow. She

is having two children and the applicant has given assurance that he would give her house out side said area and had kept relations with her at different places.

3. Counsel for the applicant has stated that it is the consensual relations between two adult persons. The wife of the applicant called her and gave threats. Though she has made the allegations that the threats were given to viral video of both of them, the wife of applicant has surrendered her mobile. No material is found inside the said mobile. As the relations were with consent, he prayed to release the applicant on bail.

4. The learned A.P.P. opposed the application stating that though the wife is released on bail, the ground of parity is not available. Allegations against wife are different. The allegations against wife are only of giving threats. This applicant has given assurance and has sexual relations with the victim for three years. He has not disclosed about his marriage and by giving assurance continued relations with her. Hence, prayed for rejection of the application.

5. Heard both the learned Counsel for the respective parties.

6. The victim and the applicant are in physical relations since last three years. She is married lady having two children. She went to the house of the applicant and

there they had relations and continued it. She was aware about the residence of the applicant and was knowing that he is a married person even then she continued the relations with him. As the sexual relations between two adult persons with consent are there no offence is made out against the applicant. Hence, the applicant deserves to be released on bail.

7. Accordingly, I proceed to pass the following order:-

i] The criminal application is allowed.

ii] The applicant shall be released on bail in Crime No.364 of 2025 for the offences punishable under Sections 64, 64(2)(m), 296, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall attend the concerned police station on every Monday and Saturday between 1:00 p.m. to 2:00 p.m.

vi] The applicant shall co-operate the Investigating Officer.

The Criminal application is disposed of accordingly.

(MRS VRUSHALI V. JOSHI, J.)

manisha