



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

CRIMINAL APPLICATION(ABA) NO. 814 OF 2025

Umesh Tulshidas Shelke Vs. State of Maharashtra and anr.

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

Court's or Judge's Orders.

Mr.B.L.Borikar, counsel for the applicant.
Mr. N.R.Rode, APP for the State.
Ms. Shreya Bhagat, appointed counsel for victim.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 18/12/2025

1. The applicant is apprehending his arrest in connection with Crime No.704 of 2025 registered with Police Station Kapil Nagar, dist. Nagpur for the offence punishable under sections 69, 115(2) of the Bharatiya Nyaya Sanhita,2023.

2. It is the case of the prosecution that the applicant used to go to the house of the victim, who was running a mess. There, they had love relations and it is alleged that he had sexual relations with her by giving assurance of marriage. The applicant has stated that, he refused to marry with her. The learned counsel for the applicant has stated that the applicant saw some conversation on Instagram with other boy and therefore, he has refused to marry with her. He has filed N.C case against this applicant as she went to

the house of the applicant and gave threats to all the family members. The applicant is a police person. The allegations are made that when the victim was about to marry with one boy, he informed about their relationship and thereafter the marriage was broken. The learned counsel for the applicant has stated that though she has made allegations about the relations under the assurance of marriage, she was ready to marry with other person and she was asking money from the applicant and therefore, he refused to marry with her. Hence, prayed to protect him by granting anticipatory bail.

3. The applicant has filed on record whats-app chat and whats-app photographs to show that the relations were with consent.

4. The learned APP has opposed the application stating that NC case is registered against this applicant. He has given threats. He called her by giving assurance that he wants to delete the photographs and then he had sexual relations with her. Though the investigation is completed, the learned counsel for the non-applicant No.2 opposed the application stating that the applicant has given the assurance of marriage and had sexual relations with her for one year and thereafter he denied for marriage. Considering the conduct of the applicant, who is the police person, prayed to reject the application.

5. Heard both the sides and perused the record.

6. On perusal of the FIR it appears that out of love affair they had sexual relations with consent. Though she has stated he has given the assurance and has put the *mangalsutra* in her neck, she was ready to perform the marriage with other boy and the allegations are made that the applicant informed about their relations to said boy and thereafter, marriage was not solemnised and thereafter, she has lodged complaint.

7. It appears that it was the consensual relationship between the two adults. As the investigation is completed the custodial interrogation is not required. Hence, the applicant is protected by granting anticipatory bail. Accordingly, I pass following order:

i] It is directed that in the event of arrest of the applicant-Umesh Tulshidas Shelke in connection with Crime No.704 of 2025 registered with Police Station Kapil Nagar, dist. Nagpur for the offence punishable under sections 69, 115(2) of the Bharatiya Nyaya Sanhita, 2023 he be released on bail on furnishing P.R. Bond in the sum of Rupees Twenty Thousand with one solvent surety in the like amount.

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

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

iv] The applicant shall attend the concerned police station as and when called by the Investigating Officer.

v] The applicant shall co-operate the investigation officer.

8. The criminal application stands disposed of.
9. Fees of the appointed counsel be paid as per rules.

JUDGE