



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

CRIMINAL APPLICATION (BA) NO.1079/2025

(Sunil S/o Pundalikrao Boke Vs. State of Maharashtra, through PS.O., PS. Desaijanj, Distt. Gadchiroli and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.S. Mardikar, Senior Advocate with Mr. Vivek Awchat, Advocate for the applicant.

Mr. Ujjwal Phasate, A.P.P for non-applicant No.1/State.

Mr. S.S. Bhalerao, Advocate for non-applicant No.2.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 14.10.2025.

The applicant is arrested in Crime No.422/2025 for the offence punishable under Sections 64(2)(m), 69, 78, 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita.

2. It is alleged that applicant, who is a married person, had sexual relations with the victim, who is 25 years of age. The allegations are made that he had given an assurance that he will perform marriage with her after taking divorce from his wife. He had sexual relations with her. It is also alleged that he has given threats to circulate her photographs and videos on social media. Therefore, she has lodged the complaint.

3. In reply the victim has admitted that she had sexual relations with applicant and has no objection if the applicant is released on bail.

4. The sexual relations between two grown up persons with consent cannot be termed as a rape. The victim herself has stated that it is out of love affair. She was knowing that the applicant is married and still continue to have relations with him.

5. Considering the circumstances and as the victim has no objection, application is allowed.

i) Applicant - Sunil S/o Pundalikrao Boke be released on bail in Crime No.422/2025 for the offence punishable under Sections 64(2)(m), 69, 78, 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, on his furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one 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 co-operate with the Investigating Officer.

(MRS.VRUSHALI V.JOSHI, J.)