IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 522 OF 2026

Ganesh Sheshrao Suryavanshi .. Appellant

versus

The State of Maharashtra & another .. Respondents

Mr. A. D. Raut, Advocate for the Appellant.
Ms. P. J. Bharad, APP for the State.
Ms. S. R. Kasture, Advocate (appointed) for Respondent No. 2.

CORAM : R. M. JOSHI, J.
DATE : 14th OCTOBER, 2026.

PER COURT :

1. The present Criminal Appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is filed by the Appellant, seeking pre-arrest bail apprehending arrest in connection with Crime No. 368/2026 registered with CIDCO Police Station, District Chhtrapati Sambhajinagar, for the offences punishable under Sections 351(2), 352, 69 of Bharatiya Nyaya Sanhita and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i) and 3(1)(w)(ii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is the case of the prosecution that the informant/Respondent No. 2 lodged a First Information Report against the present Appellant. The informant was residing in rented accommodation while preparing for the police recruitment examination. On 26.09.2025, she came into contact with the Appellant through the social media application Snapchat, and their friendship gradually developed into a romantic relationship. The Appellant frequently visited Chhatrapati Sambhajinagar to meet the informant. Despite being aware of the caste difference between them, the Appellant assured the informant that he would marry her. On 31.12.2025, the Appellant persuaded the informant to shift to a new accommodation near Godavari School, Sathe Chowk Road, where he falsely represented to the landlord that they were married couple. Relying upon the Appellant's promise of marriage, the informant consented to establish physical relations, leading to continuous sexual cohabitation. In April 2026, upon discovering her pregnancy, the informant communicated the same to the Appellant, who reacted aggressively, refused to marry her, and pressurized her to undergo abortion. Upon subsequent inquiry, the informant came to know that the Appellant was already married twice before; his first wife, Sakshi Ganesh Suryawanshi, was residing separately with matrimonial proceedings pending in the Family Court

at Jalna, while his second wife, Nikita Suryawanshi, was residing at Washim. The harassment escalated on 05.05.206 at Hotel Kala Lakshmi, where the Appellant against pressurized the informant to terminate the pregnancy, leading to continuous disputes over phone calls. Subsequently, on 17.05.2026, the Appellant called the informant to Nerhe, Pune, and took her to his cousin Sagar Chavan's residence, where he subjected her to explicit caste-based abuse and extended criminal intimidation, threatening her life upon her refusal to abort the child. Fearing for her safety, the informant contacted the Appellant's first wife and First Information Report came to be lodged at Chandanzira Police Station, District Jalna, which was subsequently transferred to CIDCO Police Station, Chhatrapati Sambhajinagar.

3. Learned Counsel for Appellant submits that here in this case, admittedly, first informant is an adult lady and that she had knowledge with regard to the first marriage of the present Appellant and as such, there is no substance in the allegation that on false promise of marriage Appellant established physical relationship with her. It is his contention that the allegations in the First Information Report do not indicate any substance to prima facie hold Appellant's

involvement in the alleged crime. It is his submission that the WhatsApp chat between the Appellant and informant supports the contention showing that the informant had knowledge with regard to the marriage of the Appellant and as such, this is a fit case for grant of pre-arrest bail to the Appellant. To support his submissions, he placed reliance on following orders/judgments :-

(I) Suleman Ahmad vs. State of U.P. and another
2026 AHC LKO 51117

(ii) Sonu Alias Subhash Kumar vs. State of Uttar Pradesh and another, (2021) 18 Supreme Court Cases 517

(iii) Dr. Dhruvaram Murlidhar Sonar vs. State of Maharashtra
AIR 2019 Supreme Court 327

(iv) Vivek Gupta s/o Surendra Kumar Gupta vs. The State of Madhya Pradesh (Misc. Criminal Case No. 26042/2022)

4. Learned APP and learned Counsel for the informant opposed grant of any relief to the Appellant by contending that here in this case, from the First Information Report, it is clear that the relationship between the Appellant and informant is on the basis of promise of marriage. It is pointed out that apart from the fact that informant had no knowledge about the first marriage of the Appellant, after establishing physical relationship with the informant, the Appellant performed one more marriage. This shows malafides

on the part of the Appellant and also that he never intended to marry the informant but to sexually exploit her. It is their contention that the judgments cited supra do not apply to the present case considering the material difference in the facts.

5. Prima facie perusal of the First Information Report indicates that the Appellant and informant obtained a rental premises intimating the landlord abut they being husband and wife. informant/victim states that thereafter there used to occur physical relations between them which resulted into she becoming pregnant. She further states about Appellant telling her that he cannot marry her immediately and that they are required to carry out her abortion. Accordingly, termination of pregnancy was done. When the Appellant stopped meeting informant, she made enquiry wherein it was revealed that the Appellant performed second marriage. Apart from this, there are allegations against the Appellant about he abusing the informant over her caste.

6. Above allegations indicate the fact that though informant is major, this is not a case of consensual relationship between the parties on the basis of love affair without assurance of marriage given

by the Appellant. WhatsApp chat relied upon by the Appellant does not indicate otherwise.

7. Coming to the judgments relied upon by the Appellant, in case of Sonu (supra), the Hon'ble Supreme Court, while dealing with the quashment proceeding recorded facts showing that at the later point of time, the accused and his family members refused to marry the victim. In the said case, it was not so that the accused was married already much less, married twice, as in the present case. Similarly, in case of Dr. Dhruvaram (supra), it is held by the Hon'ble Supreme Court that there is distinction between mere breach of promise and not fulfilling promise. If accused has not made promise with sole intention to seducing the prosecutrix in sexual act, such act would not amount to rape. In the present case, Appellant was already married. He posed to the outsiders i.e. the landlord that victim is his wife. Apart from the fact that he was already married, after entering into relations with the informant, he entered into second marriage with another lady. Needless to say that the facts of the above case are totally different than the present case. As far as other judgments/orders relied upon by the Appellant are concerned, bare perusal of the same indicate that in totally different set of facts, relief

was granted to the accused persons. In considered view of this Court having regard to the facts of the case, the said judgments have no application to the present case.

8. Prima facie matiral on record and undisputed facts of the case indicate that this is a case of promise of marriage being given for sexual exploitation of the informant/victim. The conduct of Appellant of performing two marriages, one before establishing sexual relations with informant and second after said relationship, speaks volume of the intent of Appellant. He, therefore, is not entitled to get any relief from arrest.

9. In the result, appeal stands dismissed.

10. Fees of appointed Counsel is quantified at Rs. 10,000/-.

(R. M. JOSHI, J.)

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