IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1811 OF 2026

RAJU BHAGWAN MENDKE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Govind Rangrao Ingole, Advocate for Applicant
Mr. S. V. Hange, APP for Respondent – State

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 29th OCTOBER, 2026

PER COURT :

1. Heard Learned Advocate for the applicant and the learned APP for the respondent – State. I have also perused a copy of charge-sheet annexed to the present application.

2. The present application for regular bail of the applicant, who is arrested on 18.07.2026, in connection with Crime No.0197 of 2026, registered with Himayatnagar Police Station, Tq. Himayatnagar, Dist. Nanded, for the offences punishable under Sections 64 and 64(2)(m), read with Section 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. It is the case of the prosecution that, in the month of May, the applicant visited the workplace of the complainant at Sangle Hospital at village Bodhadi and asked her to accompany

him for outing. The informant voluntarily joined him and they went to Narsadi forest, where the applicant expressed his love for her and asked her to give divorce to her husband and showed his readiness to marry her. The prosecutrix told him that they had a love affair before, but now she is a married woman. The applicant allegedly touched her and requested for physical relationship and did sexual intercourse with her against her will and without consent. The informant alleges that he thereafter threatened her not to disclose the said fact, otherwise he will defame her and hence she did not disclose about the alleged incident to anybody. It is further alleged that again the present applicant asked the prosecutrix to leave her husband as he wanted to marry her. He won her faith and the prosecutrix left her matrimonial home and started to reside at Tadachiwadi. While living there, the applicant used to visit and maintain physical relationship with her by giving false promise of marriage. Thereafter, they both went to Mahimba for darshan and she was asked to leave her husband. The prosecutrix further alleges to have acted as per his words and she and her husband decided to get separated. On 06.07.2026, the prosecutrix and her husband visited the office of an Advocate for getting divorced. They prepared deed of divorce on stamp paper and it was notarized. She started residing separately from her husband since 14.07.2026.

4. It is alleged that, on 16.07.2026, when the prosecutrix went to the house of the applicant and asked him about the marriage, it is alleged that the present applicant refused to marry her. The prosecutrix therefore rushed to Himayatnagar police station and registered an offence against the present applicant. Thus, in connection with the said offence, the applicant came to be arrested.

5. Learned Advocate for the applicant submits that, the prosecutrix is 26 years of age and the present applicant is 22 years of age. The prosecution story itself suggests that, there was a love affair between the applicant and the prosecutrix. In spite of the fact that the prosecutrix was married, the prosecutrix on her own used to roam around with the applicant and the alleged sexual intercourse demonstrated in the prosecution story itself suggests that it was a consensual relationship. The ingredients of section 64(2)(m) of BNS will not get attracted. The applicant is in jail since 18.07.2026. That, charge-sheet is filed and investigation is complete. He prays that the applicant be released on bail.

6. Learned APP vehemently opposed the application by stating that there are specific allegations against the present applicant by the prosecutrix. He submits that though the

prosecutrix had a love affair, she demonstrates that she has clearly stated that she never consented for having sexual relationship, but under the pretext of marriage and under the pretext of threats, the applicant forced himself to have sexual intercourse with the prosecutrix. He submits that the offence is serious and heinous, and therefore, the present application be rejected.

7. I have taken into consideration the arguments advanced by both the learned counsels and have also gone through the contents of the FIR and the charge-sheet. The allegations are direct, but they are covered under the relationship of love affair. According to the prosecutrix herself, the relationship between the present applicant and the prosecutrix were in existence since 2019. Even post-marriage, the said relationship continued. The allegation of the prosecutrix that the physical relationship was maintained under the threat and false pretext of marriage is a matter which requires evidence. However, the fact that the prosecutrix has been going around with the present applicant from places to places prima facie suggests that there was a love affair between both of them, and out of that, the physical relationship has been established. The allegations of marriage, threats, defamation are something which will have to be proved by the prosecution

after leading appropriate evidence before the Trial Court. In any event, the record suggests that the investigation is complete and the charge-sheet has already been filed. The further custodial interrogation of the present applicant, who is 22 years of age, is not required. I am inclined to allow the application. Hence, the following order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant, Raju Bhagwan Mendke, shall be released on bail in Crime No.0197 of 2026, registered with Himayatnagar Police Station, Tq. Himayatnagar, Dist. Nanded, for the offences punishable under Sections 64 and 64(2)(m), read with Section 351(2) of the Bharatiya Nyaya Sanhita, 2023, on furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand only) with one or two solvent surety in the like amount, subject to the following conditions :

a) The applicant shall attend the Trial Court on every date fixed, unless his attendance is specifically exempted.

b) The applicant shall not, directly or indirectly, contact, threaten, induce or influence the informant or any prosecution witness and shall not tamper with the prosecution evidence.

c) The applicant shall furnish his current residential address and mobile numbers to the Investigating Officer

and the Trial Court within seven days of release, intimate any change forthwith, and attend the Investigating Officer upon prior written notice if further investigation is required.

d) The applicant shall not involve himself in any offence of a similar nature while on bail.

e) Breach of any of the above conditions shall entitle the prosecution to apply for cancellation of bail.

(iii) All observations in this order are prima facie and confined to the decision of this bail application. The trial Court shall decide the case independently on the evidence led before it.

(iv) The Bail Application is disposed of in the above terms.

(HITEN S. VENEGAVKAR)
JUDGE

Tandale