IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 BAIL APPLICATION NO. 2093 OF 2026

Surendrasingh Alias Suraj Jagatsingh Gadiwale
VERSUS
The State Of Maharashtra
...
Mr. Jadhav Satej S, Advocate for Applicant
Mrs. A. S. Deshpande, APP for the Respondent-State

CORAM : HITEN S. VENEGAVKAR, J.
Dated : 31st October, 2026

PER COURT :-

1. Heard the learned Advocate for the applicant and learned APP for the State. With their assistance, I have perused the copy of charge-sheet.

2. The present applicant, who is arrested in connection in connection with Crime No. 161 of 2026 registered with Vazirabad Police Station, District Nanded for the offences punishable under sections 376(2)(n), 313, 506, 507 of the Indian Penal Code, seeks regular bail. The applicant has been arrested on 13.04.2026 and since then, he is in custody.

3. The prosecution case, in brief, is that the informant, who is prosecutrix, alleged that she happens to be a childhood friend of the present applicant. The said childhood friendship then the culminated in love affairs and they are in relationship since 2023. The victim

alleges that the present applicant proposed her for performing marriage and thereafter had taken her to different hotels at different places and cities, during which, there has been forceful physical relationship maintained by the present applicant with the victim. She submits that during the entire period from 2023 till lodgment of the FIR, she did not lodge any complaint about the forceful physical intercourse for the reason that the applicant has always promised that he will get married to the informant. However, it is alleged that on one fine day, the applicant informed her that he has another woman in his life and therefore, he does not want to get married to her. The applicant is also alleged to have threatened her with life. The applicant thereafter got arrested in some other offence and the suspicion arose against the present informant and therefore the co-accused telephoned and gave threat to her of life. Then she registered the present offence against the present applicant and the co-accused.

4. The learned Advocate appearing for the applicant submits that the informant is 23 years of age and the applicant is 26 years of age. It is admitted that both of them knowing each other since their childhood and subsequently, the friendship developed in to a love relationship between both of them. The allegations are from the years 2023 i.e. from the time, when the informant was major. The submissions canvassed by the applicant is that even if we take the prosecution story

as it is, then also it can be seen that the applicant and the informant were together moving from one place to another in different cities without the informant raising any resistance or objection for the same. The inference therefore safely can be drawn at this stage that there is possibility of having consensual physical relation between both of them. He further argues that false promise to marry does not allow the informant to permit a person to have physical relationship with her. Except using the word 'forcefully', there is nothing on record that has been placed by the prosecution to show that there was actual force applied when the relations took place. It is not even the case of the present informant that she had time to time opposed the physical relationship. He submits that it is only after the refusal to marry was disclosed by the applicant, the informant has registered the present case. He submits that the applicant is inside since April, 2026 and the allegations if taken into consideration, then the further custodial interrogation after the investigation is complete is unwarranted. He further argues that the criminal antecedes of the present applicant need not be taken into consideration in this case for the reason that the offences are separate and distinct from the alleged offence. There is not a single offence against the present applicant pertaining to the allegation of offence under section 376 IPC or otherwise relating to sexual assault or harassment to a woman.

5. The learned APP, however, vehemently opposed the present application. She submits that the allegations are direct and the role of the applicant is established. She argues that under the false pretext, the consent, even if be said that it was consensual, was obtained of the informant by the informant, therefore, it cannot become a valid consent. Under the pretext of marriage, the offence has been committed and the investigation has collected corroborative material against the present applicant. Taking into consideration the entire material on record, the applicant does not deserve to be released on bail.

6. The second limb of argument of the learned APP is the criminal antecedents of applicant. She submits that there are 11 criminal antecedents standing against the present applicant. The applicant is hard earned criminal. She then refers to the subsequent part of the FIR, where the co-accused, who is the friend of the present applicant has threatened to kill the informant for registering an offence against him for getting the applicant arrested in some other offence. Thus, there is clear threat to the life of the informant. On this count the learned APP prays that the application be dismissed.

7. I have heard the learned Advocate for the respective paries. I have also gone through the entire charge-sheet and the statement of the prosecutrix. No doubt, the allegations against the present applicant

are direct and there is clear mention of having forceful physical relationship by the applicant with the informant. However, the fact cannot be lost sight of that the relations between the parties have been continued since 2023 and they have been of love affair. The applicant and the informant were to get married and under the pretext of marriage, the informant had accompanied the applicant from one place to another in the hotels, wherein the alleged incident has taken place. Whether any force, coercion or pressure was inflicted on the informant on every occasion when there has been a physical relationship between both is a matter which will have to be separately proved before the trial Court after leading evidence. In any event, the reading of the contents of the FIR at the most demonstrate that the promise to marry has been found to be subsequently falsified and rescinded by the applicant which has prompted the informant to register the present offence. Without going ahead on the matter and making any further observations, I am inclined to allow the present application for bail of the applicant on the ground that the investigation is complete and charge-sheet is filed.

8. Though there are criminal antecedents, the learned Advocate for the applicant has rightly pointed out that there is no offence of similar nature that has been alleged or recorded in past against the present applicant. Thus, the criminal antecedents do not become any

hurdle as far a release of the applicant in the present case is concerned. In case the applicant needs bail in other offences of which the criminal antecedents are in existence, the respective courts may take into consideration those criminal antecedents in accordance with law. This order does not mention or indicate that the criminal antecedents of the applicant should not be taken into consideration in any cases against him. Hence, the following order:

O R D E R

(i) The Bail Application is allowed.

(ii) The Applicant- Surendrasingh Alias Suraj Jagatsingh Gadiwale, in connection with in Crime No. 161 of 2026 registered with Vazirabad Police Station, District Nanded for the offences punishable under sections 376(2)(n), 313, 506, 507 of the Indian Penal Code, be released on bail on furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand only)/-** with one or two sureties of the like amount.

(iii) The applicant shall remain outside the territorial jurisdiction of District Nanded till the conclusion of the trial, save and except for the purpose of attending the Investigating Officer and appearing before the Court on the dates fixed in the respective trials in which he is an accused.

(iv)) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(HITEN S. VENEGAVKAR, J.)

JPChavan