



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 2194 OF 2025

Shubham s/o. Samadhan Koli,
Age : 25 years, Occ – Gym Trainer,
R/o. Janta Nagar, Sangamner,
Tq. Sangamner, Dist. Ahmednagar.

.. APPLICANT
(Orig. Accused)

VERSUS

1] The State of Maharashtra
Through its Investigation Officer
Sangamner City Police Station,
Tq. Sangamner, Dist. Ahmednagar.

2] The Superintendent of Police,
Ahmednagar.

.. RESPONDENTS

...
Advocate for the applicant : Mr.N.B.Narwade
APP for Respondent-State : Mr.P.D.Patil
...

CORAM : MEHROZ K. PATHAN, J.

DATE : 13.01.2026

P.C. :

1] Heard the learned counsel for the applicant and
the learned APP for the respondent-State.

2] The applicant has filed present application
seeking anticipatory bail in connection with Crime

No.1018/2025, registered with Sangamner City Police Station, Tq. Sangamner, Dist. Ahmednagar, for the offence punishable under Section 64 (2) (j), 64 (2) (m), 109, 115, 351 (3), 352, 3 (5) of the BNS.

2] The case of the prosecution is that the victim, aged 25 years, is a married woman with one daughter. Before 5 years the victim came in contact with the present applicant in Nutrafit Gym and acquainted with the present applicant which later-on turned into friendship. The applicant used to regularly contact the complainant on telephone. That, the applicant had taken photographs of the complainant in his mobile phone. The applicant used to call upon the complainant and asked her to meet him and used to visit her house. In the month of April, 2022, the applicant had insisted upon the complainant to keep physical relationship by giving threats to the complainant to kill her daughter. The complainant got frightened by the threats given by the applicant, and therefore, without consent and will the applicant had committed forceful sexual intercourse

with the complainant. The complainant had, thereafter, tried to inform about physical sexual intercourse committed by the applicant to her relatives and friends, however, the applicant has threatened to the complainant on telephone not to tell anybody about the same.

3] In the month of February, 2023, the applicant took along with him the complainant to Alandi, District Pune and performed the marriage and obtained one certificate. The applicant had used that certificate and threatened the complainant to make it public. The complainant had informed the applicant about mental condition of her father, however, the applicant used to abuse and assault the complainant under the influence of alcohol. The complainant had thereafter made an attempt to keep safe distance with the applicant for about 6 to 7 months, however, the applicant still used to harass the complainant under the influence of alcohol.

That, on 11.11.2025 at 2.00 p.m. the applicant had arrived at the house of the complainant at Janta Nagar

and as nobody was present in the house the applicant insisted upon the complainant to talk with him, the complainant refused to talk with him. However, the applicant had pretended to cry and requested the complainant to establish sexual relationship with him and committed forcible sexual intercourse with her and left the house. That, on 13.11.2025, the applicant called upon the complainant at her mobile number and asked her to come out of the house to meet the father of the applicant and insisted upon the complainant to leave her husband and take divorce and asked her to perform marriage with his son and threatened her. That, on 15.11.2025, at 11.00 a.m. when the complainant was standing alone on her terrace, the applicant came on terrace and started abusing the complainant and made an attempt to press her neck. The mother of the applicant had also abused the complainant in a bad language. Thus, the complainant has prayed for appropriate action against the present applicant, his mother, namely, Ranjana Samadhan Koli and his father namely Samadhan Koli.

4] The learned counsel Mr.N.B.Narwade for the applicant submits that the tenor of the first information report itself suggests that there is consensual relationship between the applicant and the complainant and the applicant is a major woman. The complainant is a married woman and there was love affair between the applicant and the complainant. The incident narrated in the FIR shows that the complainant did not file any immediate complaint. If the last incident of rape dated 11.11.2025 is considered wherein the complainant has alleged about forceful sexual intercourse without consent of the complainant, there is a delay of six days in lodging the FIR as the FIR came to be lodged by the complainant on 17.11.2025. The complainant had many opportunities to lodge the FIR, however, kept silent which shows that there was consensual relationship between the applicant and the complainant. The complainant is major and married woman, who understands consequences of the act and was aware of the illicit relation that she was maintaining with the accused.

The husband of the complainant caught the complainant and the accused on 15.11.2025 when they met on the terrace of the house and hence the false FIR is lodged by the complainant against the present applicant. The applicant is a reputed person, having deep roots in the society and is only a earning member of the family. There is no likelihood that the applicant may flee away from the ends of justice and the applicant is ready to abide by any conditions that may be imposed by this Court. The learned counsel for the applicant relied upon the judgments in the cases of **Ganesh Ramchandra Naik Vs. State of Maharashtra** reported in AIROnline 2022 Bom 2598, **Madhav Krishna Vasave Vs. State of Maharashtra** reported in AIROnline 2021 Bom 4009, **Amol Sambhaji Sonawane Vs. State of Maharashtra** reported in AIROnline 2021 Bom 2568, **Hitesh Kantilal Gala Vs. State of Maharashtra** reported in AIROnline 2021 Bom 696, **Mahesh Balkrishna Dandane Vs. The State of Maharashtra** reported in 2015 ALL MR (Cri) 2805, **Sumit Siddramappa Patil Vs. The State of Maharashtra and another** in Anticipatory Bail Application No.1618 of 2015,

decided on 10th March, 2016. The learned counsel further relied upon the judgment of the Hon'ble Apex Court in the case of **Samadhan Sitatram Manmothe Vs. State of Maharashtra and another** in Criminal Appeal No.5001 of 2025 [arising out of Special Leave Petition (Crl.) No.6906 of 2025], decided on 24.11.2025.

5] As against this, the learned APP Mr. Patil strongly opposes the present application on the ground that the applicant has misused the photographs of the complainant taken in his mobile phone and has threatened the complainant to commit forceful sexual intercourse. The applicant has also performed nominal marriage with the complainant and obtained certificate issued by the Premsukh Mangal Karyalaya, Alandi, Taluka Khed, District Pune dated 11.02.2024. The applicant is alleged to have abused and assaulted the complainant under the influence of alcohol. The supplementary statement of the complainant is also recorded wherein the complainant has stated that the applicant had recorded the photographs and videos of the

complainant, which are stored in the hard disc. The applicant has threatened the complainant to make the said material viral on social media and to show it to her husband, namely, Vrushabh Gaikwad and thereafter committed forceful sexual intercourse upon the complainant. The complainant has further stated that the complainant has paid certain amounts to the applicant on phonePe and google pay. However, getting scared of the threats of the applicant, the complainant did not inform anybody about the said acts of the applicant. The statement of the husband of the complainant is also recorded which corroborates the allegations in the first information report. Thus, an offence under Section 64 (2) (j) and (m) of BNS is clearly made out against the present applicant. Hence, the applicant may not be released on anticipatory bail as the offence is punishable with life imprisonment and the same shall mean imprisonment for the remainder of life.

6] I have gone through the allegations made in the FIR and the investigation papers made available by the

learned APP. Perusal of the first information report shows various incidents span over from the year 2022 till 15.11.2025. The last incident of abuse and assault is made against the present applicant on 15.11.2025 and as such there is hardly any delay in lodging the FIR. It is also common that the offences of rape are not immediately lodged by the prosecutrix due to fear of defamation in the society. Perusal of the investigation papers further show that the applicant has purportedly performed the marriage with the complainant on 11.02.2024 as revealed from the certificate issued by the Premsukh Mangal Karyalaya, Alandi, Taluka Khed, District Pune despite the complainant being married woman. The applicant is alleged to have threatened the complainant of showing said certificate to her relatives and has committed forceful sexual intercourse upon the complainant repeatedly.

7] The investigation papers further show that the supplementary statement of the complainant recorded during the course of investigation wherein the complainant

has stated about threats given by the complainant that video recording and photographs of the complainant are stored in the hard disc by the applicant and the same would be made viral in the social media and also shown to her husband Vrushabh Gaikwad and obtained money from the complainant time to time on phonePe and google pay. The investigation papers further show that the statement of the husband of the complainant is recorded wherein the husband has stated that the complainant was crying on 16.11.2025 at about 7.00 p.m. and upon enquiry the complainant informed the forceful acts of the applicant to her husband. The husband of the complainant had brought her to the police station and lodged the FIR. The statement of the friend of the complainant, namely, Abhilasha Kadlag is also recorded wherein she states about phone call made by the complainant on 16.11.2025 narrating sexual harassment of the applicant against her. The said witness has pacified the complainant and had given her strength to lodge the FIR along with her husband against the applicant. Thus, there is ample evidence collected by the Investigating

Officer, which substantiates the allegations made in the first information report.

8] In so far as the judgments relied by the learned counsel for the applicant are concerned, the aforesaid judgments are mostly pertaining to false promise of marriage and committing sexual intercourse upon the complainants therein by the accused wherein FIRs were sought to be quashed. In the present case, the applicant though has initially established consensual relationship, there are specific allegations of commission of rape against the present applicant on 11.11.2025 at the house of the complainant. Even thereafter on 15.11.2025, the applicant is alleged to have attempted to strangle the complainant by pressing her neck. Thus, the case laws relied upon by the learned counsel for the applicant may not apply in the facts of the present case. The investigation in the present crime is still on going and accused is absconding since the date of incident. The alleged offence is serious in nature and crime against the woman, which is punishable with imprisonment for remainder of life.

9] If the applicant is released on bail, there is every likelihood that the applicant may threaten the prosecutrix or her family members and thereby cause prejudice to the prosecution case. Thus, taking into consideration the gravity of the offence and the offence alleged is punishable with remainder of life, I am not inclined to exercise discretion in favour of the applicant to release him on anticipatory bail. Hence the present application is hereby rejected.

10] In view of dismissal of the Anticipatory Bail Application, Criminal Application No.4907/2025 for assisting to the P.P. also stands disposed of.

[MEHROZ K. PATHAN]
JUDGE

DDC