



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

ANTICIPATORY BAIL APPLICATION NO. 2257 OF 2025

SWAPNIL BHANDUDAS ADHAV

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Deepak Kashiram Rajput

APP for Respondents/State : Mr. K.K. Naik

Advocate for assisting the prosecution : Mr. Mirza

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CORAM : MEHROZ K. PATHAN, J.

DATE : 20th JANUARY 2026

PER COURT :

1. Heard the learned Counsel for the Applicant as also the learned assisting Counsel and the learned APP for the State.
2. The Applicant has approached this Court, seeking anticipatory bail in connection with Crime No.530/2025 registered with Khultabad Police Station, District Chhatrapati Sambhajinagar for the offences punishable under Sections 64(1), 351(2), 351(3) of Bharatiya Nyaya Sanhita, 2023.
3. The case of the prosecution is that one Pooja Ganesh Adhav lodged the above-referred FIR being Crime No. 530/2025 with Khultabad Police Station, Tq. Khultabad, Dist. Chhatrapati Sambhajinagar. It is alleged in the report that on 20.11.2025, at

about 2:00 p.m., while she was at her home and no one else was present, her brother-in-law, namely Swapnil Adhav, entered the house and stated that since no one was present, she should have physical relations with him. On her refusal, he caught hold of her hand, dragged her from the kitchen to the bedroom, and pushed her onto the bed. At that time, she screamed for help. He then threatened her life and committed forcible sexual intercourse with her. She raised cries and appealed for help, whereupon the accused Swapnil fled from the place of incident. It is further alleged that prior to this incident, the accused had on several occasions committed forcible intercourse with her by threatening the lives of her children. He also threatened to kill her husband if she disclosed anything. Due to these threats, the informant could not reveal the incidents to anyone. However, after gathering courage, she narrated the facts to her husband, who supported her and gave her confidence, and thereafter she lodged the present report against the accused.

4. The learned Counsel for the Applicant submits that the Applicant as well as the complainant are majors. The Applicant is aged 24 years, whereas the complainant is aged 25 years. The complainant, who is the wife of the cousin brother of the Applicant, was having a consensual relationship with the Applicant. After lodging of the FIR, the complainant forwarded a handwritten letter to the Applicant via WhatsApp, wherein she specifically stated that she had a consensual relationship with the Applicant and that the Applicant has not issued any threats to anyone.

5. The learned Counsel for the Applicant further submits that the Applicant is presently undertaking examinations for recruitment as Prison Constable and Police Constable. The said examinations are likely to be held in the month of January, and accordingly, a schedule has been published for the requisite training, written examinations, as well as physical tests. The Applicant has no criminal antecedents and is ready to abide by any conditions that may be imposed by this Court. Hence, the Applicant may be protected.

6. As against this, the learned APP as well as the learned Counsel assisting the prosecution Mr. Mirza vehemently oppose the present application on the ground that there are serious charges against the Applicant of committing forcible sexual intercourse upon the victim. The complainant has narrated a specific allegation regarding the incident dated 20.11.2025, wherein the Applicant is alleged to have committed forcible sexual intercourse while extending threats to kill her and her son. The complainant has finally narrated her plight to her husband and lodged the FIR on 01.12.2025. The offence is serious in nature and is punishable with life imprisonment; hence, the Applicant may not be released on bail. The investigation is still in progress and the statement of the victim under Section 183 BNS is yet to be recorded. There is every likelihood that the Applicant may influence witnesses and thereby cause prejudice to the prosecution case. It is further apprehended by the learned APP and the learned assisting Counsel that if the Applicant is released on bail, he may threaten the prosecutrix and her

family members. Hence, this is not a fit case to release the Applicant on bail.

7. I have gone through the investigation papers made available by the learned APP. The perusal of the letter allegedly signed by the complainant, which is annexed to the present application at page no. 18, Exhibit-C, shows that the complainant has herself written that the FIR was lodged out of fear that her family life would be destroyed. It is further stated in the said letter that the Applicant has not committed any forcible sexual intercourse and that her relationship with the Applicant was consensual. To corroborate this, the learned Counsel for the Applicant has played a video recorded by the complainant, which was viewed by the Court with the assistance of the learned APP. Upon hearing the said video, it appears that false implication of the Applicant cannot be ruled out. However, these observations are made only for the purpose of deciding the present application for anticipatory bail.

8. Looking to the age of the victim/prosecutrix as well as the Applicant, the possibility of a consensual relationship between two consenting adults cannot be ruled out. The further apprehensions raised by the learned APP and the learned assisting Counsel can be taken care of by imposing appropriate conditions upon the Applicant. Hence, I am inclined to protect the Applicant in exercise of discretionary powers under Section 482 BNS. Hence the following order :

ORDER

(i) In the event of arrest of the Applicant - Swapnil Bhandudas Adhav in connection with Crime No.530/2025 registered with Khultabad Police Station, District Chhatrapati Sambhajnagar for the offences punishable under Sections 64(1), 351(2), 351(3) of Bharatiya Nyaya Sanhita, 2023, they be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) each with two solvent sureties in the like amount, on the following conditions :

(a) The Applicant shall attend Khultabad Police Station, District Chhatrapati Sambhajnagar on 24th, 30th, 31st of January, 2026 and 6th and 7th of February, 2026 between 11:00 am. to 01:00 pm. and thereafter as when called by the Investigating Officer, till the filing of the charge-sheet.

(b) The Applicant shall not enter Village Golegaon, Taluka Khultabad, District Chhatrapati Sambhajnagar until framing of the charge and recording of the evidence of the prosecutrix.

(c) The Applicant shall not tamper with the prosecution evidence and shall not influence the witnesses.

(d) The Applicant shall submit his Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

(e) A single violation of the conditions would entitle the prosecution to seek cancellation of the bail.

(ii) The application is allowed in the above terms and stands disposed of.

MEHROZ K. PATHAN
JUDGE

NAJEEB..