



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

BAIL APPLICATION NO. 316 OF 2026

SHUBHAM RAJESH ALIAS RAJESHWAR MANTHALKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Dhore Akshay Raosaheb.

APP for Respondent/State : Mr. C. V. Bhadane.

Advocate for Respondent No.2 : Ms. Priyanka Y. Sarnaik
(appointed Through Legal Aid).

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CORAM : SHAILESH P. BRAHME, J.

DATE : 06.04.2026

FINAL ORDER :-

1. Heard both sides.
2. The applicant is seeking bail in respect of offence bearing Crime No.462 of 2025, registered with Bhokar Police Station, District Nanded, for the offences punishable under Sections 351(3), 137(2), 87, 74, 75, 64, 143(2), 143(3), 296, 61(2), 351(4), 49, 126(2), 127(2), 351(2), 352, 238, 3(5) of Bhartiya Nyaya Sanhita and Section 67 of Information Technology Act.
3. It is reported by the victim/respondent No.2 that applicant was befriended with her through Instagram and requested her to accompany him on motorcycle from Bhokar to

Nanded to have a coffee on 10.09.2025. After roaming around for 4 to 5 hours, in the evening informant was threatened for boarding a bus along with applicant. She was taken to Mumbai and applicant was touching her inappropriately during travel. She was subjected to forcible intercourse in a room and threatened to be blackmailed by exposing her indecent photographs. It is further alleged that she was being persistently exploited by the applicant. His mother Savita was helping him. Another co-accused was also threatening her. She was taken to Pune and thereafter maternal uncles rescued her.

4. Applicant is arrested on 20.09.2025. The Charge-sheet is filed on 17.11.2025.

5. Learned counsel for the applicant submits that all allegations are concocted and false. There was love affair between applicant and the victim and the parents were against them. The victim voluntarily accompanied the applicant to Vapi. They resided from 11.09.2025 to 17.09.2025 at that place. Thereafter they got married at Alandi on 17.09.2025. The inter caste marriage was not approved by the parents of the victim which resulted in false implication. It is submitted

that the medical papers do not corroborate the prosecution story.

6. Per contra, learned APP submits that a supplementary statement was recorded to rectify the mistake that victim was not taken to Mumbai but to Vapi. The case is corroborated by statement under Section 183 of the victim.

7. Learned counsel appearing for respondent No.2 would submit that threats were given to the victim and she was forcibly subjected to sexual intercourse. There is absence of consent. The medical report disclosing use of stick shows pervert nature of the applicant.

8. I have gone through First Information Report which candidly discloses that informant was abducted from Nanded to Mumbai under coercion. It further refers that at Mumbai she was taken to a room and she was subjected to sexual exploitation. This version needs to be tested to the statement of Archana who is resident of Dadara Nagar. She refers that her cousin Aaditi asked her to search a rented room for a newly married couple. Accordingly, room was searched and victim with applicant stayed there as husband and wife. This is further fortified by statement of landlord Mhanubhai Patel. The statement of driver of the bus also shows that the couple

travelled from Nanded to Vapi. During investigation a copy of ticket was also collected from the travel agency disclosing the travel undertaken by the applicant with one more person.

9. The evidence on record as discussed above is inconsistent with the prosecution story and that too version of the victim herself that she was taken from Nanded to Mumbai. This is tried to be rectified by supplementary statement stating that she was not aware of the place and in fact she was taken to Vapi, State of Gujarat. This creates doubt regarding the prosecution case.

10. I have gone through Medico Legal Examination Report which does not show any external injury on the person of the victim. No signs of administration of any intoxicant is noticed from column No.15D of the report. The victim is major and the possibility of leaving the house with the applicant cannot be ruled out. There is *prima facie* material to show that the physical relationship is consensual.

11. Though allegations are made in the First Information Report regarding blackmailing of the victim by exposing her nude photographs and videos, nothing is recovered during the course of investigation. There is no recovery of mobile or SIM card. It cannot be overlooked that from 10.09.2025 to

17.09.2025 she was with applicant. She had gone from Bhokar to Nanded voluntarily. The statement under Section 183 of the victim and use of stick to exploit her can be gone into during the course of the trial. There is no need to detain the applicant in jail any further. I, therefore, pass the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **SHUBHAM RAJESH ALIAS RAJESHWAR MANTHALKAR** shall be released on bail in Crime No.462 of 2025, registered with Bhokar Police Station, District Nanded, for the offences punishable under Sections 351(3), 137(2), 87, 74, 75, 64, 143(2), 143(3), 296, 61(2), 351(4), 49, 126(2), 127(2), 351(2), 352, 238, 3(5) of Bhartiya Nyaya Sanhita and Section 67 of Information Technology Act on furnishing P. R. bond of Rs.30,000/- (Rupees thirty thousands only) with one solvent surety of like amount on the following conditions :
 - (a) The applicant shall stay away from entire Hadgaon Taluka till conclusion of the trial and furnish his address and contact number to the Investigating Officer.

- (b) The applicant shall surrender his Aadhar Card and PAN Card.
 - (c) The applicant shall co-operate for the expeditious disposal of the trial.
 - (d) The applicant shall not contact prosecution witnesses or tamper the prosecution evidence.
- (iii) Bail application is disposed of accordingly.

(SHAILESH P. BRAHME, J.)

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