



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

50 ANTICIPATORY BAIL APPLICATION NO. 8 OF 2026

Vijay s/o Kalyan Sonwane
Age; 22 years, Occ; Labour,
R/o; Hamalwada, Silk Mil Colony,
Near Railway Station,
Chhatrapati Sambhajanagar.

...APPLICANT
(Original Accused)

VERSUS

The State of Maharashtra,
Through Police Inspector,
Satara Police Station,
Tq. & Dist. Chhatrapati Sambhajanagar.

...RESPONDENT

...
Advocate for Applicant : Mr. Wankhade Manikrao L.
APP for Respondents/State : Mr. D.J. Patil
Advocate for Respondent/Victim : Ms. Smita R Kasture (appointed)

...

CORAM : MEHROZ K. PATHAN, J.
DATE : 06.04.2026.

PER COURT :

1. Heard the learned counsel appearing for the respective parties.
2. The applicant has approached this Court seeking anticipatory bail in Crime No. 549 of 2025 registered with Satara Police Station, District Chhatrapati Sambhajanagar, for the offence punishable under Sections 69, 118 (1), 351 (2) of the Bhartiya Nyaya

Sanhita, 2023.

3. The case of the prosecution is that the informant lodged first information report on 13.12.2025 alleging that, in August 2025 she came to know the applicant during Ganpati festival. The applicant proposed her and was making phone call to her. Thereafter during Navratri festival he took her to Karnapura and again proposed her. At that time, the informant replied and told him to inform at his home and she will also inform at her home. The applicant requested two months time for it and said that they will perform marriage after six months. Thereafter, on 12.10.2025 at 2.30 p.m. the applicant met the informant at Osmanpura and said her to accompany him by giving assurance that he will marry with her. Therefore, the informant went with him on motorcycle at Hotel room. The applicant had forceful sexual intercourse with her by giving assurance of marriage. At that time, he bite her on neck. Thereafter, when mother of the informant was admitted in hospital, the applicant was visiting her. The informant came to know from the friend of the applicant that, the applicant was going to marry with another girl. So, she asked about it to the applicant, but he said that, he will not perform marriage with her. To give assurance of it, the informant called him along with that girl. Accordingly on 4.11.2025 at 10.30 p.m. the applicant came along with that girl at Osmanpura. At that time, that

girl asked the applicant about the informant and beat him. The applicant told her that, he will not marry with her. At that time, mother of the applicant came there and abused the informant in filthy language. The informant also called her mother and maternal aunt there by making phone call. The mother of the applicant said that she would perform marriage of her son with that girl and left from there. After two days the applicant called the informant at Kranti Chowk and told her that, he did not want to marry with that girl and he will marry with her. Then on 16.11.2025 at 3.00 p.m. the applicant told the informant that, he had performed Court marriage before two days with that girl. The informant asked him why he did so and he replied that due to threatening by her mother to commit suicide, he performed that marriage. Thereafter, the informant told him not to contact her. But the applicant cried and said that he will divorce that girl and will marry with the informant. There was phone communication between them thereafter. On 22.11.2025 at 2.00 p.m. the applicant called the informant at Osmanpura and took her in Hotel room on vehicle. He had sexual intercourse with her there by giving assurance of marriage.

4. The learned counsel for the applicant submits that the applicant is falsely implicated in the present crime. The victim/complainant is pressurized by the applicant for marriage by

threatening her and out that when threats given by the Complainant, the applicant has cut his wrist vein and he was required to be undertake treatment for the same.

5. The applicant is married with other girl. The victim was major and therefore, there were consensual relations between the applicant and the Complainant. The applicant is having deep roots in the society. The applicant is not having any criminal antecedents and is ready to abide any of the conditions imposed by this Court, and thus prays for release of the applicant on bail. He further submits that the victim has given no objection to release the applicant on bail as the both the applicant and the Complainant decided to leave aside all the allegations against each other and arrived at an amicable settlement. The charge-sheet is filed against the applicant and same is registered as a Criminal case bearing RCC No. 437 of 2026. The record further shows that the father of the applicant was protected vide interim order dated 06.01.2026. The applicant has attended the police station and co-operated with the investigating officer. Therefore, the custodial interrogation of the applicant is not necessary.

6. The learned counsel appointed for respondent No. 2 victim appears and confirm the facts that the victim has settled the dispute with the applicant. The victim was major when the instant

crime was lodged against her. The victim decided to give a full stop to the allegations against each other and has also decided to take steps to withdraw the complaints against present applicant before the trial Court.

7. The learned APP strongly opposed the application on the ground that the applicant is involved in serious offence and false promise of marriage and the medical examination report of the victim, also corroborates the allegations against the present applicant. The statement of the victim is recorded under Section 183 of the BNSS and also corroborates the allegations in the FIR. The offence is punishable for 10 years of imprisonment, therefore, custodial interrogation of the applicant is required for medical examination of the applicant and for other requirements to be completed of the investigation. The allegations are serious in nature, therefore, the application for the anticipatory bail may be rejected.

8. I have gone through the investigation papers made available by the learned APP, also gone through the statement under Section 183 of the BNSS, and the medical papers of the victim. The victim was present before the Court through the appointed counsel and she had confirmed the fact that the victim does not want to pursue her complaint against the applicant as they have decided to resolve the dispute amicably and move on their life.

9. Be that as it may, perusal of the FIR itself would show that the allegations of sexual intercourse appears to be consensual in nature over the period of time from 12.10.2025 to 04.12.2025. The complainant is major. There are no allegations of any forcible intercourse committed by the applicant. The allegations are only about committing of sexual intercourse on the false pretext of performing of marriage.

10. The Hon'ble Supreme Court in the recent judgment reported in **Rajnish Singh @ Soni Vs. State of U.P. and another - 2025 INSC 308** observed that 'mere beach of promise cannot be termed as false promise'. On perusal of the allegations in the FIR, it does not prima-facie show that the applicant had no intention to marry complainant or that promise of marriage was false promise. However, these observations are prima-facie in nature and are issued only for the purpose of deciding this application.

11. Taking into consideration and the nature of the allegations against the applicant and the recent judgment of the Hon'ble Supreme Court in **Rajnish Singh** (supra), I am inclined to exercise the discretion vested under Section 482 of the BNSS to protect the applicant on certain conditions. Hence the following order:

ORDER

- (i) The application is allowed.
- (ii) The ad-interim order dated 06.01.2026 is hereby confirmed on same terms and conditions.
- (iii) The applicant shall not contact the Complainant/Victim physically or telephonically or any messaging on social media.
- (iv) Any single violation of the aforesaid conditions imposed shall entitled the prosecution to seek for cancellation of the bail of the present applicant.
- (v) The application is disposed of.
- (vi) The fees of the appointed shall be quantified of Rs. 10,000/- (Rs. Ten Thousand Only) and to be paid to the learned appointed counsel expeditiously.

(MEHROZ K. PATHAN, J.)