



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 473 OF 2026

Abhishek Balasaheb Kalamkar

VERSUS

The State Of Maharashtra And Others

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- Mr. Chatterji Joydeep, Advocate a/w. Mr. Rahul R. Karpe, Advocate for Applicant
- Mr. A. S. Shinde, APP for Respondent Nos. 1 and 2 - State
- Mr. R. N. Dhorde, Senior Advocate, i/by. Mr. D. R. Kale, Advocate for Respondent No. 3 – Victim

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CORAM : MEHROZ K. PATHAN, J.

DATED : 15.04.2026

PER COURT :

1. Heard the learned counsel for the applicant and the learned APP for the respondent Nos. 1 and 2 - State, as well as the learned Senior Counsel for Respondent No. 3 – victim.
2. The applicant has approached this Court apprehending arrest in connection with FIR No. 0132 of 2026 dated 21.02.2026, registered with MIDC, Ahilyanagar Police Station, District Ahilyanagar, for the offences punishable under Sections 64(1), 64(2) (m), 69, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 66(E) of the Information Technology Act, 2000.

3. The case of the prosecution is that the complainant 'R', aged about 25 years, is the victim. She is residing with her parents and sister and is living separately from her husband. She was in need of employment for her livelihood. About three months prior to lodging of the report, she had visited Ahilyanagar for some personal work. As she was in search of a job, she obtained the mobile number of the applicant/accused Abhishek Kalamkar, a former Mayor, through social media and contacted him. She informed him about her circumstances and requested assistance in securing employment. The applicant/accused called her to meet him at Kushtadham Road, Ahilyanagar. During the meeting, he inquired about her education and assured her that he would inform her about a job within two to three days. Thereafter, after two to three days, the applicant/accused contacted her and told her that he had a school in MIDC and that he would provide her employment there.

4. On the pretext of showing her the school, he asked her to come to Ahilyanagar and instructed her to get down at Kedgaon Bypass. The applicant/accused came there in a black coloured Fortuner car bearing No. 0007 and took her towards Vilad Ghat under the pretext of showing the school. While travelling, only the victim and the applicant/accused were present in the vehicle. The applicant/accused stopped the vehicle at a secluded place on the highway and offered

her a cold drink, after consuming which she felt dizzy. Taking advantage of her condition, the applicant/accused held her hand, started touching her body and, against her will, removed her clothes and forcibly committed sexual intercourse with her. Thereafter, he threatened her not to disclose the incident to anyone, otherwise she would not get the job, and dropped her at Shirur. Due to fear, she did not disclose the incident to anyone. After two days, the applicant/accused started making WhatsApp video calls to her and compelled her to remove her clothes. When she refused, he threatened to kill her. Being harassed by such conduct, she recorded the video calls.

5. On 18.02.2026 at about 9.18 a.m., the applicant/accused called her on WhatsApp and asked her to come to Hotel Marvel, Shirur, along with documents regarding the job. Accordingly, she went there. The applicant/accused told her that he wanted to discuss the job matter privately and sent her along with another person to Room No. 110 of the said hotel. That person left after dropping her there. After some time, at about 11.00 a.m., the applicant/accused came to the room, closed the door and sat beside her. He told her not to worry about the job and that he would take care of her expenses. While saying so, he started touching her body. Despite her resistance, the applicant/accused forcibly established sexual relations with her

and also recorded her video. Thereafter, he again threatened her that if she disclosed their relations to anyone, he would kill her and her daughter and would upload her video on social media. Due to fear, she left the place and did not immediately lodge the complaint. However, thereafter, gathering courage, she approached the police station on 21.02.2026 and lodged the complaint. Accordingly, the FIR came to be registered.

6. Learned counsel for the applicant submits that the nature of the allegations itself would suggest that the applicant is falsely implicated in the present crime due to political rivalry. The allegations in the FIR indicate that the applicant had a consensual relationship with the complainant and that it was the complainant who had contacted the applicant through social media in search of employment and established acquaintance with him. It is submitted that the allegations do not suggest that the applicant was stalking the complainant. The allegations regarding removal of clothes during WhatsApp video calls are deliberately made to malign the image of the applicant by giving it different colour. It is contended that the alleged consensual act cannot be termed as rape, particularly when the complainant is also seen voluntarily participating in the sexual acts. The allegation of promise of employment cannot be construed as a misconception of fact vitiating consent. It is further submitted

that the last incident is alleged to have taken place on 18.02.2026, whereas the FIR is lodged on 21.02.2026 after deliberation, indicating mala fide intention. It is also contended that the allegations of forcible sexual intercourse on the pretext of circulating videos are baseless. The complainant did not immediately lodge a complaint with the hotel authorities despite having an opportunity. The relationship, therefore, appears to be consensual and no offence under Section 64 or under Section 69 of the Bharatiya Nyaya Sanhita is made out. It is further submitted that the offence under Section 69 pertains to false promise of marriage, which does not amount to rape, and therefore the allegations under Section 64 and Section 69 cannot go hand in hand. The applicant is a former Mayor and has deep roots in society. He is ready to abide by any conditions imposed by this Court. Hence, the application deserves to be allowed.

7. As against this, the learned APP as well as the learned Senior Counsel Mr. Dhorde appearing for Respondent No. 3 – victim strongly oppose the application. It is submitted that the victim was unemployed and was searching for a job when she came into contact with the applicant. The applicant acted as a predator and lured the complainant with a promise of employment and administered a substance, thereby impairing her capacity to understand and consent. There are direct allegations that the applicant committed sexual

intercourse with the complainant when she was under the influence of such substance. It is further submitted that the applicant threatened to circulate obscene videos of the complainant and thereby obtained her consent, which resulted in repeated sexual intercourse. Such consent, obtained under threat, is vitiated. The offence of rape is clearly made out. The offence is serious in nature and punishable with imprisonment for life, which may extend to the remainder of life.

8. It is further submitted that the FIR is only the starting point of the criminal law and need not contain all details. The subsequent statements recorded under Section 183 of the BNSS corroborate the allegations in the FIR, the call detail records, tower location, hotel register of Hotel Marvel Inn, and statements of hotel employees corroborate the prosecution case. The applicant took the assistance of co-accused Laxman alias Lucky Kalamkar to call the complainant to the hotel and thereafter committed sexual intercourse by threatening her. The WhatsApp chats exchanged between the applicant and the complainant demonstrate his intention to sexually exploit the victim. There is ample evidence against to show the involvement of the applicant in the serious offence of rape, which is punishable with remainder of life imprisonment. Hence, the application deserves to be rejected.

9. Mr. Dhorde, learned Senior Counsel, also relies upon the affidavit of the prosecutrix and submits that an identical FIR has been lodged by another victim, being FIR No. 185 of 2026 dated 08.04.2026, wherein similar allegations are made regarding the modus operandi of the applicant. It is submitted that the delay of two days in lodging the FIR is adequately explained. The CCTV footage and WhatsApp messages further establish the involvement of the applicant. Considering the serious nature of the allegations, custodial interrogation of the applicant is necessary. Hence, this is not a fit case to grant anticipatory bail.

10. I have gone through the investigation papers made available by the learned APP. A perusal of the same and the allegations in the FIR reveal serious allegations that the applicant called the complainant to Ahilyanagar on the pretext of giving employment. Upon meeting her at Kedgaon Bypass, the applicant took her in a black coloured Fortuner car to Vilad Ghat and administered a cold drink. After consuming the same, the complainant became unconscious. The applicant then touched her indecently and, while she was under the influence of a stupefying substance, removed her clothes and committed sexual intercourse with her. When she resisted, the applicant threatened her that she would not get the job if she disclosed the incident.

11. There are further allegations that the applicant made WhatsApp video calls to the complainant and asked her to remove her clothes. The complainant recorded such video calls. The investigation papers include transcripts of the video calls exchanged between the applicant and the complainant. A perusal of the same corroborates the allegations regarding sexually explicit acts on the part of the applicant and sexual exploitation of the victim.

12. The further allegations regarding the applicant asking the complainant to meet him in a hotel are also corroborated by the WhatsApp chat exchange transcripts available in the investigation papers. The perusal of the transcripts indicates that the applicant had asked the complainant to accompany his accomplice, Lucky Kalamkar, who was instructed to take her to Room No. 110 at Hotel Marvel Inn. The chat exchanges corroborate the allegations made in the FIR that the applicant had arranged for the complainant to visit Hotel Marvel Inn, where it is alleged that he committed sexual intercourse with her. It is also alleged that the applicant recorded obscene and objectionable videos of the victim girl and threatened her.

13. The co-accused, Lucky Kalamkar, has been arrested in the present crime. The statement of the complainant recorded under Section 183 of the BNSS, as well as her supplementary statement, also corroborate the allegations made in the First Information Report.

The WhatsApp chat messages exchanged between the applicant and the co-accused, Lucky Kalamkar, have also been obtained by the Investigating Officer, which further corroborate the allegations made in the FIR.

14. The co-accused, Lucky Kalamkar, while in custody, has made a statement stating that the applicant had instructed him to take the complainant to Room No. 110 and accompany her thereto at Hotel Marvel Inn. The applicant thereafter arrived at the hotel on 18.02.2026, and the co-accused Lucky escorted the applicant to Room No. 110, where the complainant was present. Thus, there is ample evidence collected by the prosecution available in the investigation papers which corroborates the allegations made by the victim girl regarding her sexual exploitation by the applicant.

15. The prosecution has also collected the register maintained by Hotel Marvel Inn, which shows that Room No. 110 was reserved in the name of Lucky Kalamkar, (arrested co-accused) bearing mobile number 9765651010, on 18.02.2026. The statements of the manager as well as the waiter of the said hotel have also been recorded, wherein they have stated that they had seen the victim girl visiting Room No. 110 on the date of the incident, thereby corroborating the allegations made in the FIR.

16. There are also identical allegations of sexual exploitation by the applicant on the pretext of providing employment to victim girls, as reflected in FIR No. 185 of 2026 dated 08.04.2026 registered at Bhingarcamp Police Station under Sections 69, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023.

17. A perusal of the allegations in the FIR, along with the supplementary statements recorded under Section 183 of the BNSS, clearly shows that the accused/applicant has repeatedly threatened the complainant and has compelled her to engage in obscene acts during video calls. The said allegations are corroborated by the WhatsApp chat exchange transcripts available on record. The detailed panchnama of the WhatsApp chat and call transcripts has been prepared by the prosecution in the presence of panch witnesses.

18. Thus, taking into consideration the serious allegations of rape, which are corroborated by credible evidence collected by the prosecution, I am not inclined to exercise discretion in favour of the applicant under Section 482 of the BNSS. The offence is serious in nature and is punishable with imprisonment for life, which shall mean the remainder of life. Considering the gravity of the allegations and the identical crimes against the applicant, there is every likelihood that, if released on bail, the applicant may again threaten the prosecutrix, thereby causing prejudice to the prosecution case,

and may also commit offences of a similar nature.

19. It is settled law that anticipatory bail is an extraordinary remedy to be exercised cautiously and not as a matter of routine, especially in cases involving serious allegations. The nature of the allegations warrants custodial interrogation of the applicant for effective investigation, including seizure of the vehicle and mobile data.

20. Hence, I am not inclined to exercise discretion in favour of the applicant. Hence, the following order is passed :-

ORDER

- i. The Anticipatory Bail Application is **REJECTED**.

(MEHROZ K. PATHAN, J.)