IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLN. NO. 2791 OF 2024

Sanjay Nagnath Jadhav ……Applicant

Versus

The State of Maharashtra ……Respondent

Mr. Mervin Bardeskar a/w. Mr. Darshan Singh Rajpurohit i/b. Mr. Ritesh Thobde for Applicant.
Mr. S.S. Chaudhari, A.P.P. for the Respondent-State.
Officer : PSI Mr. Z.N. Kazi, Jail Road Police Station, Solapur City, present.

Coram : ASHWIN D. BHOBE, J.

Date : 13th October 2026.

PER COURT :

1. Heard Mr. Mervin Bardeskar, learned Advocate for the Applicant and Mr. Chaudhari, learned A.P.P. for the Respondent-State.

2. On 16th October 2024, the following order was passed :

> *". Heard learned counsel for the applicant and learned APP for the respondent-State.*
>
> *2. The applicant is apprehending arrest in connection with FIR No. 0352 of 2024 dated 27th July 2024 registered at Jail Road Police Station, Dist. Solapur, for offences under Sections 354-D, 376, 376(2)(n) and 506 of the Indian Penal Code, 1860 (IPC).*

3. *The informant has alleged that the applicant, under the retext of marrying her and providing a job in an orphanage that he was supervising, repeatedly indulged in sexual intercourse with her. At places, the informant has stated that he did so forcibly. On the basis of the aforesaid statement, the FIR has been registered.*

4. *The learned counsel for the applicant submits that on an earlier occasion i.e. on 18th December 2023, the informant had approached the Police and lodged a complaint, but documents obtained under the provisions of the Right to Information Act, 2005 (RTI Act), show that the informant chose not to pursue the aforesaid complaint. Thereafter, the present FIR has been registered. It is submitted that this is a case of false implication, as the relationship could, at best, be called consensual.*

5. *The learned APP submits that the ingredients of the offences are made out and as regards the earlier Police complaint, it is explained in the present FIR itself that an attempt at mediation was made, but the same failed.*

6. *Having considered the fact that an earlier Police complaint lodged by the informant was not seriously pursued and considering the time period, during which the applicant is alleged to have repeatedly indulged in the aforesaid conduct, this Court is of the opinion that a prima facie case is made out by the applicant in his favour for granting interim relief. The applicant has undertaken to cooperate with the investigation and in that light, interim order can be granted.*

7. *In view of the above, the following interim order is passed:*

   (a) *Till the next date, in the event the applicant is arrested in connection with FIR No.0352 of 2024 dated 27th July 2024 registered at Jail Road Police Station, Dist. Solapur, he shall be released on bail on furnishing PR Bond of Rs.25,000/-and one or two sureties in the like amount.*

   (b) *The applicant shall remain present before the Investigating Officer on 18th October 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.*

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

8. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

9. List this application for further consideration on 25th November 2024 (High on Board)."

3. Mr. Mervin Bardeskar, learned Advocate for the Applicant, states that the Applicant has appeared before the Investigating Officer and has cooperated with the investigation in Crime No. 0352 of 2024. He states that, upon completion of the investigation, the charge-sheet has been filed before the Judicial Magistrate First Class, Solapur, and the same is registered as RCC No. 112 of 2025, which is pending committal.

4. Mr. Chaudhari, learned A.P.P. for the Respondent-State, confirms the statement made by Mr. Mervin Bardeskar, learned Advocate for the Applicant. He further submits that the next date fixed before the Judicial Magistrate First Class, Solapur, in RCC No. 112 of 2025 is 8th December 2026. He states that summons have been issued by the Judicial Magistrate First Class and, therefore, submits that the Applicant should appear before the said Court in RCC No. 112 of 2025 on 8th December 2026.

5. Mr. Mervin Bardeskar, learned Advocate for the Applicant, on

instructions from the Applicant, states that the Applicant shall appear before the Judicial Magistrate First Class, Solapur, in RCC No. 112 of 2025 on 8th December 2026, irrespective of whether the summons are served upon him. The statement is accepted.

6. Considering the statements made by Mr. Mervin Bardeskar, learned Advocate for the Applicant and Mr. Chaudhari, learned A.P.P. for the Respondent-State, the fact that the charge-sheet in Crime No. 0352 of 2024 has been filed and the proceedings are pending committal and further considering that the Applicant has been protected by interim anticipatory bail since 16th October 2024, with no allegations of breach or violation of any of the bail conditions, the present Application is allowed by confirming the order dated 16th October 2024 and making the same absolute in terms of paragraphs 7(a) and 7(c).

7. The Anticipatory Bail Application No. 2791 of 2024 is disposed of.

[ASHWIN D. BHOBE, J.]

OMKAR SHIVAHAR KUMBHAKARN

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