

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
20 CR. ANTICIPATORY BAIL APPLICATION NO. 2679 OF 2024**

Rohit Deepak Sapkal

...Applicant

VERSUS

State of Maharashtra and anr

...Respondents

...

Mr. Aadesh Konde Deshmukh a/w Mr. Soham Powar, Ms. Sampada Patil Advocate for the Applicant

Mr. S. H. Yadav, APP for the State

Mr. Harshvardhan Patil for respondent no. 2 through Legal Aid

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 29th JANUARY 2026.

P.C.

1. Applicant is apprehending his arrest in C.R. No. 323 of 2024 registered with Phaltan City Police Station, District Satara for offences punishable under Sections 376(2)(n), 497, 504, 506 of the Indian Penal Code.

2. The informant lodged F.I.R. against the applicant alleging that she was having differences with her husband, who was allegedly having an extra marital affair and in this backdrop, when she was alone, the applicant came in her contact on Instagram and thereafter on 2nd August 2023, after her husband had left for work, the applicant came to her house and allegedly established physical relationship with her. Thereafter, he allegedly promised that he would take care of the informant all her life and thereafter, their physical relations

continued. She claimed that she became pregnant through relationship with the applicant. Thereafter, the applicant without informing her, married another individual on 16th June 2022. On 18th June 2024, he called her at the airport and allegedly stated to her that he would take care of her, though he is married to another individual and asked her to abort the child. But when the informant allegedly refused to do so, he abused and assaulted her.

3. Learned advocate for the informant and learned APP have strenuously opposed the application by stating that the applicant has committed serious offence of rape and therefore, he may not be granted anticipatory bail.

4. This Court at the time of admission of this application, by order dated 3rd October 2024 recorded following reasons for granting protection to the applicant.

“7. Having considered the material on record, this Court is inclined to grant interim relief, for the following reasons:

(i) In the present case, the informant has not claimed that the applicant gave any promise of marriage and in that context, he had physical relationship with her. The applicant is a married woman and prima facie, it is difficult to understand as to how she could allow the applicant to establish physical relationship with her on the promise

that he would take care of her all her life. Prima facie, the relationship between the applicant and the informant could be said to be a consensual relationship.

(ii) The first incident of alleged physical relationship was of 02.08.2023, while the FIR had been registered after almost an year on 24.06.2024. (iii) Although the FIR caused to be registered by the father of the applicant is about 24 hours after the subject FIR, the allegations made therein appear to be relevant and a perusal of the papers pertaining to the said FIR would be necessary to consider the grievance of the informant in the present case.

(iv) The reference to the incident dated 18.06.2024 in the present case prima facie appears to be to make an attempt to show as if the FIR has been registered immediately after the last interaction or incident between the applicant and the informant. It is crucial to note that the said incident is only two days after the applicant got married to another person on 16.06.2024. Prima facie, it appears that the informant was prompted to approach the police and cause the subject FIR to be registered upon being enraged about the fact that the applicant married another person on 16.06.2024.”

5. The applicant has cooperated in the investigation Charge-sheet is filed on 22nd September 2025. Since the investigation is

complete, custodial interrogation of the applicant is not necessary.

6. The application is therefore, allowed by confirming the interim protection granted vide order dated 3rd October 2024.

7. Learned advocate Mr. Harshvardhan Patil appointed to represent the informant be paid fees as per schedule, expeditiously.

(NITIN B. SURYAWANSHI, J.)