

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2316 OF 2025

GANESH HARIBHAU HOL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Ghadge Dhiraj

APP for Respondents/State : Mr. Nitin B. Patil

Respondent No.3/ Dr. Pratibha Prakash Jadhav is present

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CORAM : MEHROZ K. PATHAN, J.

DATE : 8th JUNE 2026

PER COURT :

1. Heard the learned Counsel Mr. Ghadge for the Applicant and the learned APP Mr. Patil for the Respondent/State.
2. The Applicant has approached this Court, seeking anticipatory bail application in connection with Crime No. 216/2025 registered with Koregaon Police Station, District Satara for the offences punishable under Sections 69, 351(3) of the Bharatiya Nyaya Sanhita, 2023.
3. The case of the prosecution that, after the death of the informant's husband in 2013, she organized a Satyanarayan Pooja at her house. She invited all the doctors from the Doctor's Association,

including the accused, to attend the Pooja. At that time, the accused came to know that the informant was living alone with her children. Thereafter, the accused developed an acquaintance with the informant, and in 2013 he disclosed to her that he loved her and wanted to marry her. However, as the informant had the responsibility of raising her two children, she refused. It is further alleged that the accused repeatedly met the informant, called her frequently, and told her that he had matrimonial disputes with his wife and was going to divorce her. On this assurance, the informant decided to marry the accused. It is further alleged that, as soon as the informant agreed to marry him, the accused demanded physical relations. Initially, she refused, but later the accused convinced her, and under the pretext of marriage and by assuring her that he would divorce his wife, he established repeated sexual relations with her. Subsequently, the accused started avoiding marriage with the informant and began quarreling with her. In short, between 17.01.2019 and September 2024, under the pretext of marriage and by assuring her of divorce from his wife, the accused repeatedly committed sexual assault on the victim. Hence, the FIR was registered.

4. The learned Counsel for the Applicant submits that the Applicant is falsely implicated in the present crime. He further submits that even a bare perusal of the FIR does not disclose any offence under Section 69 of the BNS and would rather show that the relationship was consensual. The Applicant is aged about 45 years,

while the victim/Complainant is aged about 49 years. The victim has two daughters, whereas the accused has one son aged 18 years. There is an unexplained delay in lodging the FIR. The Applicant is a Doctor, is not a flight risk, and has deep roots in society. He is ready to abide by any conditions that may be imposed by this Court, in addition to those already imposed vide order dated 03.09.2025 granting ad-interim bail. The Applicant has cooperated with the investigation and remains willing to comply with any further conditions that may be imposed by this Court. Hence, the Applicant may be protected.

5. As against this, the learned APP strongly opposes the present application on the ground that the Applicant exploited the victim by promising marriage. It is submitted that the Applicant committed sexual intercourse by fraudulently obtaining consent. Consent obtained by fraud is not valid consent in the eyes of law and is therefore vitiated. Hence, a case under Section 69 of the BNS is clearly made out. The offence is punishable with imprisonment up to ten years. It is further submitted that the Applicant is in possession of certain objectionable material relating to the victim, and there is every likelihood that he may circulate the same to cause harassment to her. The Applicant may also tamper with evidence and influence witnesses, thereby causing prejudice to the prosecution case. Hence this is not a fit case to grant anticipatory bail to the present Applicant.

6. Learned Counsel for the Complainant, along with the Complainant who is present in Court, strongly opposes the application on the ground that the Applicant has indulged in deceitful means by making a false promise to marry the Complainant without any intention of fulfilling the same, and thereby committed sexual intercourse with her. The Applicant had no intention to marry the Complainant right from the inception, and thus an offence under Section 69, punishable with ten years of imprisonment, is clearly made out against the Applicant. The Applicant is in possession of obscene photographs and incriminating material which could be exploited to cause harassment to the Complainant, if the Applicant is released on bail. Therefore, this is not a fit case for granting anticipatory bail to the Applicant.

7. I have gone through the investigation papers made available by the learned APP. The interim order dated 03.09.2025 passed by this Court shows that the Applicant was protected under the said interim order. There are no allegations that the Applicant has violated any conditions imposed by this Court or that he has threatened the victim/Complainant. The Applicant is a practicing Doctor and is ready to abide by any conditions that may be imposed by this Court. Taking into consideration the nature of the allegations made against the Applicant, who is a major, married, and has a family to look after, as well as the age of the victim, who also has two daughters, I am inclined to protect the Applicant, albeit subject to certain conditions. Since the entire investigation is already complete

and the mobile phone has been seized, custodial interrogation of the Applicant is not necessary. The apprehensions expressed by the learned APP and the Complainant, who is present in Court, can be addressed by imposing appropriate conditions on the Applicant. Considering that the Applicant was protected vide interim order dated 03.09.2025, and that he has attended the police station and cooperated with the investigation, I find no impediment in confirming the interim order and releasing the Applicant on bail. Hence, the following order:

ORDER

- (i) The application is allowed.
- (ii) The interim order dated 03.09.2025 is hereby confirmed.
- (iii) The Applicant shall not enter the village Koregaon till the recording of the evidence of the victim by the learned trial Court.
- (iv) The Applicant is directed not to tamper with the evidence and shall not threaten the complainant or her relatives.
- (v) A single violation of the aforesaid conditions, would entitle the prosecution to seek cancellation of bail of the Applicant on that ground.
- (vi) With the aforesaid directions, the application is disposed of.

MEHROZ K. PATHAN
JUDGE