

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

ANTICIPATORY BAIL APPLICATION. NO. 2466 OF 2025

PRATIK DIPAK KAMBLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Paras Yadav, Advocate for Petitioner
Smt. P. S. Rane, APP for the Respondent-State
Mr. Tejaswi Nagargoje, Advocate for Respondent No.2 (Appointed)

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 17th FEBRUARY, 2026

PER COURT :

1. Applicant apprehends arrest in C.R. No.367/2025, registered with Lakshmipuri Police Station, District Kolhapur for offence punishable under Section 64(1) of the Bharatiya Nyay Sanhita, 2023.
2. Prosecution case, in short, is that the applicant is son of aunt of the informant. In 2015 when informant was studying in 10th standard, applicant told her that he likes her. Thereafter applicant used to talk to her on cell phone. In 2018 informant took admission at Rajarampuri Modern College, Kolhapur. Applicant started suspecting the informant and on that ground he used to harass her. On 21/12/2021, applicant invited her for his birthday, she refused. He, therefore, harassed her by making phone calls. Thereafter he

came from Mumbai and forcibly took her to Radhika Lodge at Laxmipuri for celebrating birthday and committed forcible sexual intercourse with her. He videographed their act and also took her photographs. By giving threats to make the videos viral, he repeatedly committed sexual intercourse with her till August, 2024. In September 2024, father of the prosecutrix was admitted in the hospital. Applicant threatened her to show the videos and photographs to her father if she does not marry with him. Due to fear, she married with the applicant and their marriage was registered at Kolhapur Marriage Registration office. Due to the threats of applicant, informant did not disclose about the marriage. After marriage she never went to the applicant's house. Applicant used to come to Kolhapur and stay at Radhika Hotel, where he repeatedly committed forcible sexual intercourse with her.

3. Heard learned advocate for petitioner, learned APP for respondent No.1/ State and learned advocate for respondent No.2 informant. Perused the investigation papers.

4. Learned advocate for applicant submitted that since the prosecutrix is his wife, Section 64(1) of the Bharatiya Nyay Sanhita, 2023 is not attracted in the present case.

5. Applicant was granted interim protection by order dated 24/11/2025. Thereafter, from time to time the said protection was

continued. By order dated 06/01/2026, considering the fact that applicant has recorded obscene videos of the prosecutrix on his cell phone, he was directed to handover the cell phone which was used at the time of commission of offence to the investigating officer on 12/01/2026. Thereafter, by order dated 14/01/2026 applicant was directed to appear before this Court on 27/01/2026 and surrender his cell phone bearing IMEI No.862921044319063 (Model: Redmi) to the investigating officer in the Court and the matter was adjourned to 27/01/2026. Thereafter, on 03/02/2026 applicant was directed to surrender his cell phone of the above IMEI number before investigating officer within a period of one week. In spite of repeated directions, the applicant has failed to produce the said cell phone before the investigating officer.

6. The informant has produced one of her obscene video recorded by the applicant. *Prima facie*, it supports the contention of informant that applicant has recorded her obscene videos on his cell phone. However, in spite of repeated directions, the applicant is not presenting the said cell phone to the investigating officer.

It is transpired during the investigation that the cell phone sought to be produced by the applicant was purchased one day before the registration of crime. Even the investigating officer by notices dated 09/12/2025, 07/01/2026 and 19/01/2026, called

upon the applicant to produce / surrender the said mobile handset.

7. Applicant has tendered affidavit affirmed on 27/01/2026, taking a stand that said handset of Redmi company does not belong to him and the concerned SIM card number has not been used by him since May, 2023 onwards. It is not possible to accept the said contention in the facts of the present case.

8. Since the applicant is not cooperating in the investigation and not producing the cell phone on which he has recorded obscene videos of the informant, applicant does not deserve discretionary relief of anticipatory bail.

9. In the result, the application is rejected.

10. Fees of the learned advocate appointed to represent respondent No.2 informant be paid by the Legal Aid as per the schedule as expeditiously as possible.

(NITIN B. SURYAWANSHI, J.)