

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLN. NO. 165 OF 2026

MR. ANIS AMIR MULLA
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

Advocate for Applicant : Mr. Pratik G. Tare i/b Mr. S. Y. Mane
APP for Respondent-State : Mr. S. H. Yadav
Advocate for Respondent No. 3 : Ms. Pallavi Kante (Appointed)

CORAM : SACHIN S. DESHMUKH, J.
Date : 27th March, 2026

PER COURT :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 24.11.2025 bearing Crime No. 400 of 2025 registered with Shahapur Police Station, Dist. Kolhapur for the offences punishable under Sections 69 of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that the victim and the applicant became acquainted through social media and began communicating via phone and messages. The applicant began visiting the victim's residence and expressed a desire for a relationship and marriage, despite being informed that the victim was already married. The applicant established intimacy under the

pretext of marriage. On one occasion, after consuming a drink provided by the applicant, the victim felt drowsy and the applicant allegedly took advantage of this condition to establish physical relations. Subsequently, the applicant reportedly continued the relationship by repeatedly promising marriage. When questioned about fulfilling the promise, the applicant reportedly became evasive and set conditions involving religious conversion for the marriage to proceed. This led to disputes, and the applicant eventually refused to marry. Realizing the promises may have been deceptive, a complaint was lodged at the Shahapur Police Station on 24.11.2025.

3. The learned counsel for the applicant submits that the the applicant is falsely implicated in the offence. The prosecution case is based on a consensual relationship that continued for a significant period. The allegations in the charge-sheet indicate that the Informant was a major and fully capable of understanding the consequences of her actions. The investigation is complete, the charge-sheet has been filed, and nothing further is to be recovered from the applicant. The arrest of the applicant is effected on 24.11.2025 and since then, applicant is in jail. Further incarceration of the applicant is not warranted. As such, prayed that application may be allowed.

4. The learned APP and the learned counsel appointed for respondent No. 3 vehemently opposed the application, submitting that the accused sexually exploited the victim under the promise of marriage and has thereby, committed an offence of serious nature. It is contended that the applicant's release on bail would create a significant risk of tampering with witnesses. Consequently, the APP prays for the application to be rejected.

5. Considering the submissions from both sides and perusing the record, including the charge-sheet, the relationship between the applicant and the Informant originated through a social media platform and continued over a significant period. The Informant is an adult, a mother of two children, and was fully aware of her marital status and social circumstances throughout the duration of the relationship.

6. Perusal of record prima facie indicates that the meetings and communication between the parties were frequent and voluntary. Furthermore, the prosecution's narrative admits that the informant / victim continued to maintain the relationship and engage in physical intimacy with the applicant even after the alleged first instance.

7. Nevertheless, the investigation is complete for all intent and purposes. Resultantly, the charge-sheet is filed. Having regard to the number witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further detention of the applicant as an under trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favor of the applicant.

8. Keeping in view the peculiar facts and circumstances of the case, the applicant's deserves to be admitted to bail. The learned APP's and the learned counsel for respondent No. 3's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

9. The High Court Legal Services Committee, Bombay, at the Circuit Bench in Kolhapur, to pay the fees, quantified at Rs. 10,000/-, to the learned counsel appointed for Respondent No. 3. However, in a commendable gesture, the learned counsel representing respondent No. 3 has graciously requested that the fees amount be waived in favour of a charitable purpose.

10. Accordingly, the said amount of Rs. 10,000/- be transferred directly to the Chhatrapati Pramilaraje Hospital (CPR Hospital), Kolhapur immediately.

11. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Anis Amir Mulla. be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 400 of 2025 registered with Shahapur Police Station, Dist. Kolhapur for the offences punishable under Sections 69 of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-
 - (a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (b) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.

- (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move the concerned Trial Court seeking cancellation of bail.
 - (e) If it is noticed that the applicant is involved in any offence of a similar nature in the future, the Trial Court / Special Court shall be at liberty to take appropriate action for cancellation of bail, either suo motu or upon any application made by the prosecution, and shall decide the same on its own merits, notwithstanding the fact that the present bail has been granted by this Court.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi