

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

CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLN. NO. 106 OF 2026

Mehak Prashant Misal

... Applicant

**Versus**

The State Of Maharashtra And Ors

... Respondent

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*Mr. Somnath Thengal for the Applicant.*

*Mr. N.B. Patil, A.P.P for the Respondent-State.*

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**Coram :** MEHROZ K. PATHAN, J.

**Date :** 9<sup>th</sup> June 2026.

**PER COURT :**

1. The Applicant has filed the present Application thereby praying for grant of anticipatory bail in connection with F.I.R. No.0012 of 2026, dated 19/01/2026, registered with Gandhinagar Police Station, District Kolhapur, for the offences punishable under Sections 75, 76, 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 142 of the Maharashtra Police Act, 1951.

2. The prosecution case as per the First Information Report is that :

The informant is resident of Gandhinagar, Kolhapur and she and her sister are working in a stationary shop. She is also doing business of selling

home-made products online and due to that, she got acquainted with the Applicant. On 12/01/2025, at about 3.30 p.m. she got a phone call of the Applicant stating that, she required face-wash and she should deliver it at her home. However, the informant was busy and therefore, she did not go to the house of the Applicant for delivering face-wash. On the next day, at about 6.30 p.m., the informant again got a phone call of the Applicant and the Applicant was weeping. She disclosed the informant that, she had a quarrel with her husband and her husband had beaten her. The Applicant requested the informant to come to her home and she wanted to talk with her. The informant declined, stating that, she was busy. However, the Applicant requested her and also told that, there was nobody close to her with whom she would share her plight. The Applicant also sent message to the informant's mobile. As the Applicant was weeping, the informant decided to go to her house. At about 7.15 p.m. when the informant reached to the house of the Applicant, she noticed that, the Applicant was under influence of liquor and she told the informant that, she had a quarrel with her husband and he had left the house after beating her. She also disclosed that, her husband had blocked her mobile phone. Then she requested the informant to make a phone call to her husband and ask him to come to home and not to quarrel with her. Thereafter, the Applicant made a phone call using the mobile phone of the informant and told her husband that, the informant had

reached their house and he should also come to home. After lapse of 1 ½ hours, her husband Prashant came to home. Thereafter, the Applicant told him to accompany the informant to her house. The informant told them that, she would go alone to her house, but they did not pay heed to her. At about 9.30 p.m., Prashant told her that if he did not accompany her, the Applicant would quarrel with him. Thereafter, he made her sit on his scooter. However instead of taking her to her house, he started taking her to the road leading to a “Goshala”. When the informant asked him, where he was taking her, he stopped the vehicle, took out a knife, asked her to shut-up and thereafter he took her to the backside of the Goshala where there was dark. Then he hugged her and started kissing her. The informant begged him to leave her alone. On that, he threatened her to kill her brother, if she disclosed the incident to anybody else. Then he took her to her home. Since she was scared, she did not go to the police station immediately. Then she disclosed about the incident to her aunt and after gathering courage, she lodged the F.I.R..

**3.** Learned counsel for the Applicant submits that the Applicant is falsely implicated in the present crime. There is inordinate and unexplained delay of 6 days in lodging the F.I.R.. No such incident has taken place. The entire story is concocted. The complainant has resorted to the filing of the first information report only with an intention to recover the money allegedly due

from the Applicant. After going through the allegations in the F.I.R., this Court has protected the Applicant from arrest vide order dated 24/02/2026. That, the Applicant has complied with the conditions imposed by the said interim order. The Applicant is further ready to abide by any conditions that may be imposed by this Court. The Applicant is not having any criminal antecedents and he may therefore be released on anticipatory bail.

**4.** The first informant had earlier filed an affidavit giving no objection for quashing of the first information report in Criminal Application No. 37 of 2026 filed by the Applicant for quashing of the first information report being F.I.R. No. 0012 of 2026 registered with Gandhinagar Police Station, Kolhapur. The Applicant therefore may be released on anticipatory bail by confirming the interim order dated 24/02/2026.

**5.** Learned counsel for the Applicant further submits that the other co-accused Prashant Misal has already been released on anticipatory bail by the learned Sessions Court, hence the Applicant may be released on anticipatory bail.

**6.** As against this, learned A.P.P. strongly opposes the present Application on the ground that the Applicant is involved in the serious offence of outraging modesty. The offence is serious in nature. The Applicant though was protected by the interim order, however was directed to cooperate with the investigation. The order passed by this Court dated 24/02/2026 has

been violated by the Applicant in as much as the Applicant has failed to surrender the mobile phone. The Applicant is thus failed to comply with the conditions. Thus, this is not a fit case to grant anticipatory bail. Hence, the Application may be rejected.

7. I have gone through the investigation papers as well as the affidavit filed by the complainant in Criminal Application No. 37 of 2026. The perusal of the affidavit shows that the complainant has stated that the first information report is an outcome of the misunderstanding and miscalculation of the business transactions between the Applicant and the complainant. The affidavit is filed by the complainant Mrs. Priya R. Kundnani – original complainant thereby giving no objection for quashing of the first information report, as there remains no grievance between the Applicant and the complainant. The Applicant was already protected by the interim order passed by this Court dated 24/02/2026. The apprehension of the learned A.P.P. that the Applicant has not handed over the correct mobile phone can be taken care of by further directing the Applicant to handover the correct mobile phone. Hence, I am inclined to protect the Applicant on following conditions.

### **ORDER**

- (i) Application is allowed.
- (ii) The interim order dated 24/02/2026 is hereby confirmed.

- (iii) The Applicant to surrender the original mobile phone, if the same is not yet surrendered till date to the Investigating Officer.
- (iv) The Applicant shall attend the concerned Police Station as and when called by the Investigating Officer for the purpose of investigation.

8. Needless to say, violation of any of the aforesaid conditions may entitle the prosecution to seek cancellation of the interim relief granted herein above.

9. The Application is disposed of in the aforesaid terms.

10. Criminal Application No. 37 of 2026 for quashing of F.I.R. shall be listed before the appropriate Court for hearing.

[ MEHROZ K. PATHAN, J. ]

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KUMBHAKARN

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