IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1777 OF 2026

Abdullah s/o. Khurshid Shaikh .... Applicant
V/s.
The State of Maharashtra and anr. ...Respondents

Mr. Utsav A. i/b. Ms. Kranti S.S. Anand for the Applicant.
Ms. S.K. Gajare, APP for Respondent No.1 – State.
Mr. Chetan Akerkar for the Respondent No.2 – Complainant.
Mr. V.S. Khatate, API, Kalwa Police Station, Thane, present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 8th OCTOBER, 2026

P.C. :-

1. Mr. Utsav, the learned Counsel for the applicant seeks leave to amend to add the Complainant as party Respondent No.2. Leave granted. Amendment be carried out forthwith.

2. Heard learned Counsel for the parties. Perused the record.

3. The applicant seeks his release on bail in connection with Cr.No.862/2025 registered with Kalwa Police Station, Thane for the offence punishable under Sections 69, 88, 351(2) of Bharatiya Nyaya Sanhita, 2023 ("BNS") on the report dated 15.11.2025 filed by the Respondent No.2 ("the victim").

4. The prosecution case is that, in the year 2013, while the applicant and the victim were travelling to Nashik in the same bus, they got acquainted with each other. At that time, they exchanged their phone numbers. They used to call each other and then fell in love with each-other. The applicant proposed the victim for marriage. The victim replied that she would accept his love only if

he would marry her. The applicant promised to marry her. Further, the two went to Goa, Lonavala, Alibag and various other places and stayed in various hotels. During that period, they had physical relationship on numerous occasions, even at the residence of the victim. In the year 2025, the victim learnt that the applicant got married with the daughter of his maternal aunt and he has a girl child aged 8 years. Thus, the applicant has committed rape with the victim on the false pretext of marriage. As a result, the aforesaid crime came to be registered and the applicant was arrested. On completion of investigation, police submitted charge-sheet. The trial Court declined to release the applicant on bail.

5. Mr. Utsav, learned Counsel for the applicant submitted that the relationship between the victim and the applicant was consensual. The applicant wanted to marry the victim. However, the financial status of the applicant was lower than the financial status of the father of the victim, therefore, her father and brother did not allow for their marriage. Thereafter, they discontinued their relationship. However, just to take the advantage of the situation, the victim has filed a false report and implicated the applicant in this case. He further submits that the applicant has already paid total Rs.7,65,127/- to the victim which includes the disputed amount of Rs.1,75,000/- stated in the Report. Yet, the applicant is ready to pay the victim additional Rs.1,75,000/- in three instalments. Today, the father of the applicant will pay Rs.50,000/- to the victim and the balance amount in two monthly instalments after release of the applicant from jail. However, this payment shall be without prejudice to the rights, defence and contentions of the parties to be raised in the trial Court and in other proceedings that may arise out of the present crime. Therefore, the applicant may be released on bail.

6. In reply, Ms. Gajare, the learned APP and Mr. Akerkar, learned Counsel for Respondent No.2 submitted that, since beginning, the applicant had caused the victim to agree for the physical relationship on the false pretext of marriage. Meanwhile, the applicant got married but he hid that fact from the victim. It is only in the year 2025, for the first time, the victim came to know about the marriage of the applicant and that, she was cheated. Thus, there is a prima facie case against the applicant and he is not entitled for bail.

7. I have considered these submissions. The fact of pregnancy is not stated in the report. In the supplementary statement, the victim has stated that, twice, she had got pregnant out of the physical relationship with the applicant. Be that as it may. As per the medical examination report, initially, the victim had become pregnant in the year 2016. She again became pregnant in the year 2018. As alleged, the applicant caused the victim to abort the child as he was not willing to have a child and he had threatened her that if she want a child, he would not marry her. However, why did she continue the relationship with the applicant even after forcible termination of the pregnancy, is not explained. In the backdrop and considering the overall facts and circumstances of the case, it appears that, the physical relationship between the applicant and the victim was consensual. It also appears that during subsistence of their relationship, some dispute occurred between them and, it led the victim to file the present Report. Mr. Akerkar, on instructions, stated that the victim is ready to accept the amount to be voluntarily paid by the applicant. Therefore, I am inclined to allow this application. Hence, following Order :-

(i) The applicant – Abdullah s/o. Khurshid Shaikh be released on bail in the aforesaid Cr.No.862/2025 registered

with Kalwa Police Station, Thane on his executing a P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) As voluntarily undertaken, the applicant shall pay a sum of Rs.1,75,000/- to the victim in three instalments, i.e., Rs.50,000/- today and the balance amount in two monthly instalments after his release from jail.

(iii) The applicant shall mark his attendance at Kalwa Police Station as and when required.

(iv) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) On being released from jail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated in case there is any change.

(vi) The applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence the prosecution witnesses to prevent them from deposing against him.

(vii) It is clarified that any observation made in the present Order are for the purpose of deciding the present Bail Application. The trial Court shall decide the said case without getting influenced by any of the said observations.

8. As requested by Mr. Utsav, the applicant is granted four weeks time to furnish the surety. Till then, the applicant be released on bail on his executing a P.R. Bond in the sum of

Rs.50,000/- and depositing a sum of Rs.10,000/- in lieu of furnishing the surety. On furnishing the surety/ies, the amount of Rs.10,000/- shall be returned.

9. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)

PREETI HEERO JAYANI

Digitally signed by PREETI HEERO JAYANI
Date: 2026.10.12 17:26:07 +0530