IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1977 OF 2026

Akhil Santosh Hankare .... Applicant
V/s.
The State of Maharashtra and anr. ...Respondents

Mr. Dilip B. Shinde a/w. Adv. Cindrella Gowly and Mr. Mohan C. Kumbhar for the Applicant.
Mr. Vinit Kulkarni, APP for the Respondent No.1 – State.
Ms. Minal Chandnani, appointed Advocate a/w. Mr. Rajesh Ranglani for the Respondent No.2.
Mr. Anil Vispute, API, Tilak Nagar Police Station, present.
Informant is present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 12th OCTOBER 2026

P.C. :-

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

2. The applicant seeks his release on bail in Cr.No.771/2025 registered with Tilak Nagar Police Station, Dombivali East, Dist. Thane for the offence punishable under Sections 376 (2) (n), 504 and 506 of the Indian Penal Code, 1860 ("IPC"), on the report dated 21.12.2025 filed by Respondent No.2 ("the victim").

3. The prosecution case is that, in the year 2017, the victim and the applicant got acquainted with each other as they were studying in the same coaching class. In the year 2023, the applicant sent a friend request to the victim on Instagram, which she accepted. Further, the applicant stated to the victim that he loves her and expressed his desire to marry her. The victim then introduced the applicant to her mother to whom also the applicant assured that he is willing to marry the victim. Thereafter, the

applicant used to regularly visit at the victim and, intermitantly, he used to stay with them for a day or two.

It is alleged that, during the period from November 2023 to March 2024, the applicant had repeatedly established physical relations with the victim on the pretext of marriage. It is also alleged that the applicant obtained an aggregate amount of Rs.4,33,943/- from the victim from time to time by stating that, he needed that money for the medical treatment of his mother. Thereafter, he only returned an amount of Rs.2,52,423/-. It is alleged that the applicant took away the victim's laptop and never returned it. It is alleged that, when the balance amount was demanded, the applicant threatened the victim and her mother that he would morph the victim's photos. He also avoided to marry with the victim giving reason that, he recently got a job and, it would take time for him to settle and he would marry her after three years. Thus, the applicant has committed this offence.

4. As a result, the aforesaid crime came to be registered and the applicant was arrested. Investigation resulted into filing of charge-sheet. The applicant's prayer for bail having been rejected by the trial Court, the present application has been preferred.

5. Mr. Shinde, learned Advocate has submitted that the physical relationship between the applicant and the victim was consensual. The applicant wanted to marry with the victim. However, some financial issues between them led to a dispute and consequently, the two could not marry. However, the victim filed a false Report and implicated the applicant in this case. Mr. Shinde, on instructions, submitted that the applicant would stay outside the jurisdiction of Mumbai District. Further, on instructions, Mr. Shinde stated that to show his bonafide, the applicant is

voluntarily ready to pay an amount of Rs.2,00,000/- to the victim within two days from the date of his release from jail. However, said payment will be without prejudice to the rights, contentions and defence to be taken by the parties before the trial Court and in other any proceeding that may arise out of the present crime and, it shall not be construed as an admission of guilt by the applicant. Therefore, he urged that the applicant be enlarged on bail.

6. Mr. Kulkarni, the learned APP and Ms. Chandnani, learned Counsel for the victim contended that, in the report, the victim has categorically stated that applicant had repeated physical relationships with the victim giving her a false promise of marriage. Said allegation is supported with the medical evidence. They submitted that, the applicant also deceived the victim falsely stating that he was in need of money for the medical treatment of his mother and dishonestly induced her to pay him Rs.4,33,943/-. Therefore, there is a *prima facie* case against the applicant of having committed the aforesaid offence for which bail be refused.

7. Considering the rival submissions and the narration in the Report, it appears that, after the victim introduced the applicant to her mother and the mother approved their decision to get married. The applicant used to regularly visit the victim and he also used to stay with her family. In this background, the victim and the applicant had the repeated physical relationship at her place when no family member was present at home. This fact indicate that, both of them wanted to keep that relationship, a secret. It is the victim's own case that the applicant was new at his job. Therefore, it is probable that he was not financially stable and capable to shoulder the post marriage responsibilities. Therefore, he wanted some time. Meanwhile the financial issue surfaced and it led to

some dispute and ultimately, to lodging of the Report. However, the victim did not disclose about the alleged physical relationship to her mother nor thought of lodging a complaint about the same before that dispute started. There is no allegation that the physical relationship was forcible and against the will of the victim. It therefore appears that the consent given by the victim to the alleged physical relationship with the applicant with whom she was deeply in love on a promise that he would marry her on a later date, cannot be said to be given under a misconception of fact. And, it appears that, the physical relationship between them was consensual in nature. Therefore, whether the applicant has committed the alleged offence or not, is a question of trial. Now, the investigation is over and further detention of the applicant in jail will not serve any purpose. The victim and her mother are present. They are ready to accept the amount of Rs.2,00,000/-.

7.1 In the wake of above, I am inclined to allow the application. Hence, the following Order :-

(i) The applicant – Akhil Santosh Hankare be released on bail in Cr.No.I-771/2025 registered with Tilaknagar Police Station, Dombivali East, Dist. 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) The applicant shall mark his attendance at Tilaknagar Police Station, Dombivali East, Dist. Thane on 1st day of a month between 11:00 a.m. to 2:00 p.m. till conclusion of the trial.

(iii) The applicant shall pay Rs.2,00,000/- directly to the victim within two days from the date of his release from jail.

It is made clear that, payment of said amount will be without prejudice to the rights, contentions and defence to be taken by the parties before the trial Court and in other any proceeding that may arise out of the present crime and, it shall not be construed as an admission of guilt by the applicant.

(iv) During the bail period, the applicant shall not reside or enter within the territorial limits of Mumbai District, for a period of three years.

(v) The applicant shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court.

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

(vii) 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.

(viii) It is clarified that any observation made in the present Order are for the purpose of deciding the present Bail Application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

8. At this stage, as requested by learned Advocate Mr. Shinde, 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.30,000/- in lieu of furnishing the surety. On furnishing such surety/ies, the amount of Rs.30,000/- deposited by the applicant shall be returned.

9. Bail Application stands disposed of in aforesaid terms.

10. List the Bail Application on **21st October, 2026** 'for recording compliance'.

(SHYAM C. CHANDAK, J.)

PREETI HEERO JAYANI
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Date: 2026.10.14 18:46:33 +0530