IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1622 OF 2026

Yash Ankush Pandit …Applicant

Versus

State of Maharashtra and Anr. …Respondents

Adv. Ritik Gupta a/w Adv. Ganesh Gupta, Adv. Sahil Ghorpade, Adv. Surya P. Gupta, Adv. Priyanka Rathod, Adv. Tushar Gaikwad, and Adv. Shivkumar Singh Bais i/b G.G. Legal Associates, for the Applicant.

Mr Ashok Gawai, A.P. P., for the Respondent – State.

Adv. (Ms.) Jhanvai S. Karnik, for the Respondent No.2.

PSI – Prashant More, Vishnunagar Police Station, Thane City, is present.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 8TH October 2026

P. C.:-

1. Heard learned counsel for applicant as well as learned APP for the respondent – State and counsel for respondent no.2.

2. The applicant has filed the instant application under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, **"BNSS")** seeking pre-arrest bail in Crime No. 171 of 2026 dated 08.06.2026, registered with Vishnunagar Police Station, Thane City, for the offence punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The FIR came to be registered on the basis of report lodged by complainant alleging that from December-2023 till year-2025, the accused had engaged into sexual intercourse with her by making false promise of marriage. The complainant had alleged that the accused has promised her about marriage and on that pretext, he has repeatedly established sexual relations however, in January 2026 he refused to marry her. In view of his refusal to perform marriage, the report came to be lodged and offence came to be registered.

4. Learned counsel for applicant states that in view of the allegations made in the complaint, the applicant and victim were having consensual relations since 2023. He submits that for two years, the complainant voluntarily established relations with her and did not raise any complaint. He also states that there are no criminal antecedents against this applicant and in accordance with the interim protection granted to this applicant by order dated 7th July 2026, he has extended co-operation during investigation and since chargesheet is filed, prays for confirmation of the interim protection.

5. The learned APP for respondent-State as well as counsel for respondent no.2 opposed the application by stating that there are allegations about repeated sexual relations on promise of marriage. It is submitted that the consent was given by the

complainant on promise of marriage and considering nature of offence, custodial interrogation of this applicant is necessary for investigation. Learned APP does not dispute that chargesheet is filed.

6. Perused the FIR and documents filed on record. The allegations in the FIR are about establishing relations on account of false promise to marry. It has to be noted that the complainant had not raised any grievance since December-2023 and on the first instance when the relations were established both of them had expressed desire to get married. There is nothing to show any deceitful conduct since inception. The relations for two years appears consensual. It is pertinent to note that there are no criminal antecedents against this applicant and considering the fact that chargesheet has been filed and the applicant has attended the police station in accordance with interim protection granted by this Court, same needs to be confirmed.

7. Accordingly, the interim protection order dated 7th July 2026 granted earlier is confirmed subject to modifications to condition about attendance with a direction that the applicant shall attend the police station as and when called upon by investigating agency as mentioned in the interim order. The

applicant is also directed to intimate his Aadhar number and address to the Investigation Officer.

8. Accordingly, the Anticipatory Bail Application is allowed and disposed of.

(PRAFULLA S. KHUBALKAR, J.)

VDMokal/-