IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2663 OF 2026

Gaurav Harikrishna Sharma .... Applicant
V/s.
The State of Maharashtra ...Respondent

Mr. Asshish Shukla a/w. Adv. Prachish Shukla, Mr. Prashant Mishra and Adv. Sana Shaikh for the Applicant.
Ms. S.K. Gajare, APP for the Respondent – State.
Mr. Ulhas W., PSI, Dindoshi Police Station, present.

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

P.C. :-

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

2. The applicant seeks his release on bail in connection with Cr.No.633/2025, registered with Dindoshi Police Station, Mumbai Suburban for the offence punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023 ("BNS") on the report dated 09.10.2025 filed by the victim.

3. The prosecution case is that the applicant is a distant relative of the victim. In the year 2021, the applicant visited at the victim's place and told her that he likes her and proposed her for marriage. The victim refused his proposal. However, the applicant repeatedly insisted her for the marriage. Therefore, the victim accepted his proposal. It is alleged that, at that time, the applicant had taken some objectionable photos of the victim. Since then, the two used to be in constant contact with each other on phone and Whatsapp. Between 2021 to 2022, the applicant was avoiding the

topic of marriage. Therefore, the victim performed an interfaith marriage on 06.01.2023. However, since February 2023, the applicant was continuously contacted the victim on phone and insisted her to maintain love relations with him. The victim refused to be friend with him. Therefore, he made her emotional by sending their joint photo. As a result, the victim developed sympathy for him. However, thereafter, the applicant sent their joint photo on the mobile phone of the victim and threatened her to marry with him otherwise, he would sent that photos to her husband. Further, the applicant assured her that he would marry with her. Therefore, on 27.05.2024, the victim gave a divorce to her husband at the instance of the applicant. Thereafter, the family members of the applicant agreed for their marriage. It is alleged that, on 13.04.2025 and on 07.06.2025 the applicant called the victim in certain hotel and there, he committed sexual intercourse with her giving her promise that he would marry with her. Thereafter, the applicant avoided to marry with her. Therefore, the aforesaid crime came to be registered and the applicant was arrested. On completion of the investigation, police submitted the charge-sheet. The trial Court refused to release the applicant on bail. Hence, this application.

4. Mr. Shukla, the learned Counsel for the applicant submitted that this is a clear case of consensual relationship. Since the proposal of the marriage of the applicant with the victim could not materialize, the victim filed a false Report and implicated the applicant in this case. Hence, the applicant is entitled for bail.

5. Ms. Gajare, the learned APP submitted that, at the relevant time, the applicant had objectionable photos of the victim with him. Although, the victim was married, the applicant made

emotional by sending her their joint photos and caused her to divorce her husband by threatening to sent their objectionable photos to her husband. Finally, the applicant committed sexual intercourse with the victim by giving false promise of marriage. Thus, there is a prima facie against the applicant of having committed the alleged offence and, he is not entitled for bail.

6. I have considered these submissions. The victim performed inter-faith marriage in January 2023. In the very next month, the applicant contacted her and told her about his feelings. It is alleged that, he deliberately sent her their joint photos to earn empathy and made her emotional. However, she was firm on her stand not to resume the love relationship with the applicant. Thereafter, the applicant started insisting the victim to get divorce from her husband and marry him, otherwise, he will send those photos to her husband. According to the victim, the applicant had their objectionable joint photos. However, when those photos were taken, said fact is not stated in the Report. Therefore, it is difficult to accept that by threatening to send those photos to her husband, the applicant forced the victim to divorce her husband.

It is significant to note that immediately one month after her marriage, the applicant resumed his contact with the victim. However, the victim did not stop him from contacting. Despite she had performed an interfaith marriage, she accepted the proposal of the applicant and divorced her husband. There is no allegation that the physical relationship was forcible and against the will of the victim. Therefore, it 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. The Report does not alleged that the applicant had ever said no for his marriage with the victim. Therefore, whether the applicant has committed the alleged offence or not, is a question of trial. Now, investigation is over and detention of the applicant in jail will not serve any purpose.

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

(i) The applicant – Gaurav Harikrishna Sharma be released on bail in Cr.No.633/2025 registered with Dindoshi Police Station, Mumbai Suburban, 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 Dindoshi Police Station, Mumbai Suburban 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 regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court.

(iv) 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.

(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) 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 Mr. Shukla, 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.50,000/- in lieu of furnishing the surety. On furnishing such surety/ies, the amount of Rs.50,000/- deposited by the applicant 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: 2026.10.15 14:26:57 +0530