IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2671 OF 2026

Sagar Tukaram Hadke … Petitioner

Versus

State Of Maharashtra and Anr …Respondent

Mr. Ashraf Kazi a/w Mr. Tanmay Kate, Mr. Yash Suvana i/b Mr. Vipul Dushing, for the Applicant.
Mr. Amey Prakash Sheth, for the Respondent No.2.
Mr. S.S. Ghag, APP, for the Respondent-State.
MR. Pramod Patil, PSI, attached to Bharati Vidyapeeth Police Station, Pune City, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 6th OCTOBER 2026

PC:-

1. Heard Mr. Kazi, learned Counsel appearing for the Applicant, Mr. Ghag, learned APP appearing for the Respondent-State and Mr. Sheth, learned Counsel appearing for the Respondent No.2.

2. By this application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("**BNSS**"), the Applicant is seeking pre-arrest bail in connection with C.R. No.439 of 2026 registered with Bharati Vidyapeeth Police Station, Pune City, Pune

for the offences punishable under Section 69 of of the Bharatiya Nyaya Sanhita, 2023 ("**BNS**").

3. It is the submission of Mr. Kazi, learned Counsel appearing for the Applicant, that the Applicant has not committed any offence. He submits that, in fact the marriage was fixed between the Applicant and the First Informant and the date of marriage was also fixed, the hall was also booked. However, thereafter due to some differences of opinion the marriage was cancelled.

4. Mr. Ghag, learned APP submits that offence is very serious and therefore custodial interrogation is necessary.

5. Mr. Sheth, learned counsel appearing for the First Informant submits that, although the Applicant initially agreed for marriage, however, Applicant refused to marry the First Informant as the Applicant wanted to become PSI and as First Informant is having less Salary the marriage was broken.

6. The Prosecution case and reasons for rejection of Anticipatory Bail are set out in Paragraph Nos. 9 and 10 of order

dated 17th September, 2026 passed by Learned Additional Sessions Judge, Pune. Which reads as under :-

> 9. Having heard both the learned counsel and I.O. and having gone through the F.I.R. and documents filed on record, it needs to be observed at the threshold that the F.I.R depicts that prior to talks of marriage in between the family of applicant and the informant the applicant/accused committed sexual intercourse with the informant under promise to marry her. Moreover, the F.I.R. also depicts that initially the parents of the informant were not ready for performing her marriage with the applicant/accused but any how she prepared her relatives for her marriage with the applicant/accused. However, on 27/01/2026, 08/03/2026 and 05/04/2026 the parents of the applicant/accused claim dowry amount from the parents of the informant and

thereafter the parents of the applicant abused them in filthy words.

10. Apart from the above the applicant/accused as well as the informant have filed photocopies of WhatsApp chat, which prima facie reveals that there were chatting in between informant and applicant/accused prior to marriage wherein the applicant/accused claim for sexual relations with the informant. In the light of chat messages and the report, F.I.R., it prima facie reveals that prior to fixing marriage the applicant/accused committed sexual intercourse with the applicant under promise to marry her. At the same time the investigation is at initial stage and the accused is absconding from the date of registration of F.I.R. and his physical interrogation is required for medical examination. In such mitigating circumstances with utmost respect, the ratio

of authorities relied by the applicant/accused is not coming to assist him for claiming discretionary relief of anticipatory bail.

7. Perusal of the record shows that, even as per the Prosecution case the marriage hall was booked for performing marriage and certain ornaments were also ordered and thereafter, as Rs. 1,00,000/- dowry was demanded, some dispute took place and therafter the parents of the Applicant informed that as the Applicant wanted to become PSI he is not ready to marry the First Informant.

8. Although, the above is the case of the prosecution the whatsapp chats which are annexed to the Anticipatory Bail Application shows that, the First Informant has informed the Applicant that she does not want to marry the Applicant. Said whatsapp chats are from Page No. 97 to 102. There are further whatsapp chats also. However, thereafter again the First Informant has reiterated that her decision is final (Page No. 109). Thus, Prima Facie this is not a case whereby making false promise the physical relationship was kept by the Applicant.

9. Accordingly, the case is made out for grant of Anticipatory Bail. In view thereof, the following order is passed:

O R D E R

(a) In the event of arrest of the Applicant- Sagar Tukaram Hadke in connection with C.R. No.439 of 2026 registered with the Bharti Vidyapeeth, Police Station, Pune City, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.50,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall attend the concerned Police Station once in 15 days on every Sunday between 11:00 a.m. to 02:00 p.m. till filing of the charge-sheet and shall cooperate with the investigation. In addition, the Applicant shall attend the concerned Police Station as and when called.

(c) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change

thereto.

(d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the Prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

10. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]