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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.194 OF 2024

1. Mandar Manoj Kulkarni ...Applicants

2. Suraj Sunil Pawar

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Amit Icham, for the Applicants.

Ms. S. M. Yadav, APP, for the Respondent-State.

P.S.I. D. B. Bhagat, Baramati Taluka Police Station, Pune Rural,
present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 16 FEBRUARY 2026

PC:-

1. By the present Anticipatory Bail Application filed under Section 438 of the *Code of Criminal Procedure, 1973*, the Applicants are seeking pre-arrest bail in connection with CR No.873 of 2023 registered with the Baramati Police Station, Pune Rural, for the offences punishable under Sections 376(2)(n), 327, 323, 504, 506, 34, 294(b) of the *Indian Penal Code, 1860*.

2. A learned Single Judge by Order dated 29th February 2024 granted interim protection to the Applicants. The said Order dated 29th February 2024 reads as under:

- “1. Heard the learned counsel for the applicant and the learned APP for the State.*
- 2. The applicant shall implead the first informant as party respondent.*
- 3. Necessary amendment be carried out forthwith.*
- 4. Issue notice to the respondents.*
- 5. Learned APP waives notice to respondent No. 1.*
- 6. Mr. Pawar, learned counsel waives notice to the first informant/respondent No. 2.*
- 7. This application is preferred seeking pre-arrest bail in connection with C.R. No. 873 of 2023 registered at Baramati police station for the offences punishable under sections 376(2)(n), 327, 323, 504, 506 and 294(b) read with 34 of Indian penal Code, 1860.*
- 8. The learned counsel for the applicant invited attention of the Court to the order dated 14th December, 2023 whereby this Court has granted interim bail to Dattatray Sonawane, the principal accused, against whom the allegations were primarily made in the FIR. The first informant has allegedly implicated the applicant in the supplementary statement which was recorded on 13th November, 2023.*
- 9. While granting pre arrest bail this Court had considered the statement of the victim recorded under section 164 of the Code including the assertion that the principal accused and his friends including the applicant had abducted her in a four wheeler and the principal accused and his friends had sexually exploited her. By ascribing reasons this Court was persuaded to grant interim protection.*
- 10. The applicant deserves the same dispensation.*

11. *In the event of arrest in C.R. No. 873 of 2023 registered with Baramati police station, the applicant be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.*

12. *The applicant shall cooperate with the investigation and attend Baramati police station, on 6th, 7th and 8th March, 2024 in between 10 am to 1 pm and, thereafter, as and when directed.*

13. *The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.*

14. *Stand over to 11th March, 2024.*

15. *To be listed along with ABA No. 3508 of 2023.”*

The said protection granted by Order dated 29th February 2024 is in operation for a period of about 2 years. There nothing on record to indicate that the said protection has been misused.

3. In the said Order dated 29th February 2024, there is reference to the Order dated 14th December 2023 passed with respect to the Co-Accused—Dattatray Shankar Sonawane in Anticipatory Bail Application No.3508 of 2023. The said Anticipatory Bail Application has been disposed of by this Court by Order dated 13th November 2025. Paragraph Nos.3 to 8 of the said

Order dated 14th December 2023 are relevant, which read as under:

“3) The first Informant is a married lady. She claimed to have become acquainted with the applicant in the month of November, 2022 on Instagram. The applicant had allegedly forced her to share her mobile number and, thereafter, developed proximity with her.

4) The first informant alleges that the applicant took her to various places and made her consume liquor and sexually exploited her without her consent. Various instances of the applicant resorting to abuses and violence to allegedly force her to give in to his lust have been adverted to in the FIR.

5) On 8th November, 2023 the applicant allegedly abused and assaulted the first informant in the presence of his friends. The applicant had checked the mobile phone of the first informant. She was abused for having illicit relations with others. First informant's friend - Vikas rescued her from the applicant and called the husband of the first informant and, thereafter, they approached the police station and lodged the report.

6) The learned Counsel for the applicant submitted that the first informant and the applicant are both married. They have been in a relationship outside their respective marriages since more than a year. Attention of the Court was invited to the allegations in the FIR and the transcript of the conversation between the applicant and the first informant on WhatsApp and Instagram to bolster up the submission that the applicant and the first informant were in a relationship outside marriage.

7) The learned APP resisted the prayer for pre-arrest bail. It was submitted that the allegations in the FIR indicate that the applicant never gave consent for sexual

relations and the applicant coerced her to meet his demand by threats and violence. The learned APP further submitted that in view of the further statement of the first informant including her statement recorded under Section 164 of the Code of Criminal Procedure, 1973 before the learned Magistrate, offence under Section 376D of the Penal Code has also been added. In the statement of the victim recorded under Section 164 of the Code, 1973, the victim had, inter alia, alleged that on 8th November, 2023, the applicant and his friends had abducted her in a four wheeler and the applicant and his friends had sexually exploited her.

8) *I have perused the allegations in the FIR and the material on record including the statement of the victim recorded under Section 164 of the Code, 1973. From the perusal of the allegations in the FIR coupled with the transcript of the conversation placed on record by the applicant, it prima facie appears that the applicant and the first informant were in a relationship outside marriage. There is material to show that the victim had accompanied the applicant to far off places on multiple occasions and stayed overnight. It is true the victim has alleged that she was forced to accompany the applicant. However, the relationship seems to have lasted for more than a year. In the circumstances, till the application is heard finally after providing an opportunity to the victim, it may be expedient to protect the liberty of the applicant.”*

4. Ms. Yadav, learned APP, submits that the offence is very serious. However, she states that the Charge-sheet is already filed.
5. There are no other antecedents against the Applicants.

6. Accordingly, the Anticipatory Bail Application is disposed of in terms of the Order dated 29th February 2024 passed by this Court and for the reasons recorded in Order dated 29th February 2024 and said Order dated 14th December 2023.

[MADHAV J. JAMDAR, J.]