

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1147 OF 2025

Pradeep Baban Jadhav & Anr

...Appellants

Versus

State of Maharashtra & Anr

...Respondents

Mr Irfan Shaikh, for the Appellants.

Mr AS Gawai, APP, for Respondent No. 1-State.

Adv Nishi Singhvi, for Respondent No. 2.

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CORAM: R. M. JOSHI, J.

DATED: 18TH FEBRUARY 2026

PC:-

1. This Appeal takes exception to the order passed on 17th November 2025 rejecting the Anticipatory Bail Application of the Applicants in connection with C.R. No. I-779 of 2025 registered with Kolsewadi Police Station, for the offences punishable under Sections 3(1)(W)(ii), 3(2)(VA) of Atrocities Act and Section 69 of BNS 2023.

2. Learned counsel for the Appellants submits that perusal of the First Information Report shows that this is a case of love affair between two adult persons and establishment of consensual physical relationship. It is his submission that in the First Information Report, in August 2023 itself, it was made known to the informant that the marriage of the informant and the Appellant No. 1 is not possible and, in spite of the said fact, she

continued physical relations with the Appellant. Thus, it is his submission that in such case, the provisions of the Atrocities Act would not apply.

3. Learned APP and the counsel for Respondent No. 2 opposed the Appeal. It is their contention that the informant specifically states about the establishment of physical relationship by Appellant No. 1 on the pretext of marriage and, hence, offence is made out on the face of it. It is also contended that in view of Section 18 of the Act, the anticipatory bail cannot be granted.

4. The First Information Report shows that the relationship between the informant, who is an adult, with the Appellant No. 1 is since 2018. It is specifically stated that this is the case of love affair between them. The report further indicates that in August 2023, mother of the Appellant No. 1 made to the Respondent-Victim clear that the marriage between them is not possible. In spite of the same, the informant continued the physical relationship with the Appellant No. 1, *prima facie* cannot be said that said relationship is established with false promise of marriage. Apart from this, there is nothing on record to indicate that Appellant No. 1 has committed an act of constituting an offence against the member of the Scheduled Caste or Scheduled Tribe community. Thus, the embargo created by Section 18 of the Act has no application to the present case.

5. Insofar as Appellant No. 2 is concerned, even if the statements relied upon in the First Information Report are

accepted to be correct, it cannot be said that the incident has occurred in public view. Hence, in view of the Judgment of the Hon'ble Supreme Court in case of *Hitesh Varma vs State of Uttarakhand*,¹ the liberty of Appellant No. 2 is also deserves to be protected.

6. In view of the same, the following order is passed:

ORDER

- (a) The Appeal stands allowed.
- (b) The impugned order dated 17th November 2025 stands set aside in connection with C.R. No. I-779 of 2025.
- (c) In the event of arrest of the Appellants, they be enlarged on bail on furnishing PR Bond in the sum of Rs. 15,000/- each, with one surety in the like amount.
- (d) The Appellants are directed to cooperate in the investigation.

7. The Appeal is disposed of in the above terms.

(R. M. JOSHI, J.)

¹ AIR 2020 SC 5584.