

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1533 OF 2025

Arun S/o Shrimant Dabhade	...Applicant
<i>Versus</i>	
State of Maharashtra and Anr.	...Respondents

Mr. Kartik D. Mundhe, for the Applicant.
Mr. A.S. Gawai, APP for the Respondent - State.
PSI – Sachin Tambe, MIDC Police Station, present.

CORAM: R. M. JOSHI, J.

DATED: 6th APRIL, 2026.

PC:-

1. The Applicant seeks his enlargement on bail in connection with CR No.516 of 2024 registered with MIDC Police Station, Brihanmumbai City, for offence punishable under Sections 376 and 420 of the Indian Penal Code, 1860.

2. First Informant is a lady aged about 39 years. She is a widow. On a matrimonial site she got in acquaintance with the Applicant. The Applicant posed himself to be a widowed person. First Informant alleged that on 16th October, 2023 a forcible sexual intercourse was committed by the Applicant with her. She further alleged that he obtained on number of occasions amounts totaling to Rs.41,23,000/- from her. Later on it was realised that Applicant is married and his wife is still alive. She therefore lodged a report against the Applicant. After conclusion of investigation, charge-sheet is filed.

3. Learned counsel for the Applicant submits that from the First Information Report it cannot be said that this is a case of false promise to marriage. It is his submission that the allegation with regard to forcible sexual intercourse being committed with the her is not supported by further statement. After the said incident, they went for shopping and they roamed around. It is his submission that this appears to be a report as the alleged amounts paid by the First Informant are not returned to her by the Applicant. It his his submission that after filing of the charge-sheet the Applicant cannot be kept behind the bars by way of pre-trial sentence.

4. Learned APP and learned counsel for the prosecutrix opposed the application. It is his submission that the supplementary statement of the First Informant / prosecutrix indicates that the physical relations are established on a false promise of marriage and posing himself to be widowed. It is his further submission that though the exact wordings are absent in First Information Report about false promise of marriage, the entire facts and circumstances however indicate so. It is also sought to be alleged that similar offence bearing Crime No.803 of 2024 has been registered with Cidco Police Station, District Chh. Sambhajinagar against the Applicant by another lady. To this, learned counsel for the Applicant submits that the Applicant has already been enlarged on bail in the said crime.

5. Learned counsel for the prosecutrix has drawn attention of the Court to the post-card written by the Applicant to the prosecutrix from jail. Perusal of the said post-card *prima facie*

is contrary to the allegations of forcible sexual intercourse. In any case, this cannot be considered as threat to the prosecutrix.

6. This is not the case wherein sexual assault is claimed by any minor girl. The prosecutrix is aged about 39 years. In light of these facts, this Court finds *prima facie* substance in the contention of learned counsel for the Applicant that in case the First Informant was subjected to forcible sexual intercourse, she would not go along with the Applicant and do the shopping etc. Further, there is also substance in contention that once it is alleged that in a case of forcible sexual intercourse committed by the Applicant on First Informant, question of accepting case of sexual intercourse on false promise of marriage does not arise. This Court, at this stage, finds no reason to discard the contention that the possibility of report being lodged for the reason that the amounts allegedly paid by the First Informant / prosecutrix to the Applicant are not returned. In any case, there cannot be any pre-trial sentence of the Applicant. By imposing appropriate conditions his presence can be secured during the trial. Hence, following order is passed.

ORDER

- i) The Bail Application is allowed.
- ii) In connection with C.R. No.516 of 2024 registered with the MIDC Police Station, Brihanmumbai City, the Applicant be enlarged on bail on furnishing PR Bond of Rs.15,000/- with one surety in the like amount, to the satisfaction of the Trial Court.

iii) The Applicant shall not tamper with or interfere with the prosecution evidence in any manner whatsoever.

iv) The Applicant shall attend all dates of hearing before the Trial Court unless exempted.

v) The Applicant shall not contact the First Informant / prosecutrix in any manner whatsoever.

7. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(R. M. JOSHI, J.)