

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2904 OF 2025**

Vishal Ramesh Maderiya ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Navkar Jain *a/w Abhinav Dubey, for the Applicant.*
Ms. Megha S. Bajoria, *APP for the State-Respondent No.1.*
Mr. Sangramsinh Parab, *for Respondent No.2 (appointed Advocate).*
API – Prakash Lahane, *Dahisar Police Station, Mumbai, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 17th FEBRUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No.322 of 2024 dated 30th March 2024 registered with Dahisar Police Station for the offences punishable under Sections 376, 376 (D), 376(2)(n), 343 and 506 of the Indian Penal Code, 1860 ('IPC').

2. There are in all three accused. Two are absconding and the Applicant is Accused No.1.

3. As discerned from the statement of the Complainant/victim in the FIR, it appears that the victim was married to one Karansingh Rajput on 15th November 2021. After the marriage, she started residing with her husband in her matrimonial home at Gujarat. Thereafter, there was some discord between herself and her husband and in August 2023, she returned to her parents' house in Mumbai. She started a job in November 2023 in a factory at Mumbai. She met the Applicant while in Mumbai. It is alleged that there was a consensual relationship between the parties as the Applicant promised the victim that he will marry her. They started interacting with each other on mobile phone and also went for outings. There was a physical relationship between them. Thereafter, it is alleged by the victim that in November 2023, the Applicant invited her to his friend's room and forcefully facilitated the co-accused i.e. his friends, one Ravi Yadav and Mannu Yadav to also sexually assault her. The Applicant closed the door of the room from outside and the co-accused, Ravi Yadav and Mannu Yadav raped her. The said Ravi Yadav

and Mannu Yadav are absconding. She returned home traumatized, however, she did not inform anybody as she was scared and threatened by the Applicant. Ultimately, on 25th March 2024, the Applicant conveyed his refusal to marry her and hence, she filed the complaint pursuant to which, the FIR was registered.

4. The Applicant made an application seeking bail before the Additional Sessions Judge, City Civil and Sessions Judge, Borivali Division, Dindoshi, Mumbai. However, by order dated 12th August 2024, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

5. Mr. Navkar Jain, learned counsel for the Applicant, submitted that the Applicant is in custody from 30th March 2024 and there is no material against him in the charge-sheet. In fact, he has pointed to a statement of the victim's husband namely, Karansingh Rajput, recorded by the police. Karansingh Rajput has specifically stated that he was aware of their relationship as his wife herself had confided in him

regarding the same. She had also told him that she wanted to leave him as the Applicant has assured her that he will marry her. She, however, on 27th March 2024, complained to her husband that the Applicant has refused to marry her and now, she wanted to file a complaint against him.

6. Mr. Jain also submitted that the entire relationship was consensual and the Applicant is unable to marry her since she herself was married. As regard the other allegation regarding facilitating the sexual assault on the victim by the co-accused, Mr. Jain submits that this is a false allegation and made only because the victim was upset that the Applicant refused to marry her. He thus submits that the case against the Applicant is false and fabricated and the Applicant be released on bail.

7. Ms. Megha Bajoria, learned APP, opposed the Bail Application, emphasizing the seriousness of the offence. She has contended that the charges are framed and the trial is likely to commence soon. She also submits that there are only 10 witnesses that the prosecution intends to examine and

considering that the trial is likely to conclude in a short time, the Bail Application be rejected.

8. Mr. Sangramsinh Parab, learned counsel appointed to represent Respondent No.2, supports the arguments of Ms. Bajoria. He has tendered on record decision of the Karnataka High Court in the matter of *Syed Parveez Mushraff v. State of Karnataka by Mahadevapura P. S. Bangalore – 560048 represented by Spp and Another¹*. He submits that this is a serious offence and the co-accused, who have sexually assaulted her, are absconding. In these circumstances, he also prays that the Bail Application be rejected.

9. I have heard leaned counsel appearing for the respective parties and perused the record with their assistance.

10. The statement of the Complainant/victim which resulted in the registration of the FIR, clearly indicates that she being an adult, on her own, had established the relationship with

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the Applicant. There was a discord in her marriage and hence, she had returned to Mumbai from Gujarat. She met the Applicant while going to work in Mumbai and she had never resisted any physical relationship with the Applicant. She, however, has alleged that the Applicant had obtained her consent for the relationship only on the assurance of marrying her. However, the record indicates that the victim herself was married and hence, the Applicant is not in a position to marry her without the Complainant/victim getting a divorce from her husband.

11. Secondly, the statement of the husband recorded by the police clearly indicates that the Complainant/victim had communicated her decision to leave him and continue her liaison with the present Applicant. She had also informed her husband that she willingly had a sexual relationship with the Applicant and the Applicant had promised to marry her. Ultimately, she told him that the Applicant has now refused to marry her and therefore, she has lodged the complaint.

12. It is clear from the aforesaid two statements i.e. one of the Complainant and her husband that the relationship was consensual and only when the Applicant refused to marry her, the complaint has been registered. Be that as it may, the Complainant/victim herself is married and at this juncture, the Applicant is unable to act on his promise in any case. The Applicant is in custody from 30th March 2024 and till date, only charges are framed. It is quite clear that the trial is bound to take some time to conclude and the incarceration of the Applicant is quite lengthy.

13. Considering the aforesaid, I am inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;

- ii) The Applicant shall attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court.
- iii) The Applicant will not enter the territorial jurisdiction of Dahisar Police Station, till the conclusion of the Trial;
- iv) If the Applicant holds a passport, he shall deposit the same with the Police Station concerned;
- v) The Applicant shall not leave India, without permission of the trial Court;
- vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from

time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

14. Application is allowed in the above terms and is accordingly disposed of.

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

(Dr. Neela Gokhale, J)