

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3795 OF 2025**

Mangesh @ Chotya Nagnath Ghodke ... Applicant

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Prasad Arun Kamathe, Advocate for the Applicant.

Mr. P. P. Jadhav, APP for the Respondent-State.

Ms. Pallavi C. Babardesai, Advocate for Respondent No.2.

PSI – S.M.Raygonda, Warje Malwadi Police Station, Pune, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd JANUARY, 2026.

P.C. :

1. By this application, the Applicant is seeking regular bail in C.R.No. 86 of 2025 registered with Warje Malwadi Police Station, Pune, for the offences punishable under Sections 64(2)(m) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short “BNS Act”).

2. It is prosecution’s case that in October-2024 and in January – 2025, the applicant sexually assaulted the first informant by threatening her that he will kill her husband.

3. It is contention of learned counsel for the applicant that the physical relations between the applicant and first informant were consensual. The first informant was of 24 years. There is delay in lodging

S.S.Kilaje

the complaint. The applicant is behind bars for 11 months. There is no progress in the trial and requested to allow the application.

4. It is contention of learned APP along with learned counsel for respondent No.2 that the applicant had three antecedents. He by threatening the first informant, sexually assaulted her. Learned counsel further submitted that as per the provisions of 64(m) of BNS Act, committing rape repeatedly on the same woman by threatening her shall be punished with rigorous imprisonment for a term which shall not be less than ten years, it may extend to imprisonment for life and also be liable to fine. She further submit that Applicant's family members are threatening first informant and his family members. N.C.s are filed against them and requested to reject the application.

5. I have heard both the learned counsel. Perused chargesheet and documents produced on record. There is delay in lodging the complaint. The first informant is of 24 years old. The applicant is behind bars for more than 11 months. There is no progress in the trial. It may take time to conclude the trial. Considering these facts, I pass following order.

ORDER

- i. The applicant be enlarged on bail in C.R.No. 86 of 2025 registered with Warje Malwadi Police Station,

S.S.Kilaje

Pune, on executing P.R.Bond of Rs. 30,000/- on furnishing one or two sureties in the like amount.

- ii. The applicant shall attend the concerned police station as and when required.
- iii. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- iv. Applicant shall not enter in Pune City till recording evidence of first informant.

6. The application is allowed in the aforesaid terms and is accordingly disposed of. All pending applications, if any, disposed of.

7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)