

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2592 OF 2025

Dhairya Gandhi

...Applicant

V/s.

The State of Maharashtra and Anr.

...Respondents

Mr. Kanchan Chandak, a/w Adv. Kanchan Chandak a/w Adv. Divya S. Rathod Advocate for the Applicant.

Mr. V. N. Sagare, APP for the Respondent/State.

Adv. Kanchan Jha, Advocate for Respondent No.2.

Pl. Ajitsingh Rajput, Samta Nagar Police Station.

CORAM : N.R. BORKAR, J.
DATE : 09.03.2026.

P.C. :

1. This is an application for Anticipatory Bail.
2. The applicant is apprehending his arrest in Crime No. 375 of 2025 registered at Samta Nagar Police Station, for the offences punishable under Sections 376 & 376(2)(n) of the Indian Penal Code.
3. It is the case of the prosecution that in July 2019 the first informant/victim came in contact with the applicant through

Instagram and later a romantic relationship developed by them. It is alleged that in September 2019, the applicant called her to his house and on the assurance of marriage, persuaded her to engage in physical relations. It is alleged that, thereafter, on multiple occasions, on the pretext of marriage he established physical relations with her. In September 2023, the applicant travelled to the United States for employment purposes. It is alleged that, thereafter, whenever the victim used to ask the applicant about marriage, he used to avoid the said subject. Subsequently, on 15 March 2024, the first informant came across the applicant's wedding photographs on Instagram, upon which she formed the belief that the applicant had exploited her sexually on the false pretext of marriage and never intended to marry her.

4. I have heard the learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the first informant.

5. The learned counsel for the applicant submits that when the applicant married in 2024, the applicant and the victim were no more in relationship, as due to certain temperamental

differences, they had already parted amicably. It is submitted that after marriage of the applicant, the victim had even sent him a congratulatory message. The learned counsel for the applicant has drawn my attention to the notice dated 18.04.2025 sent by the victim to the applicant. It is submitted that though said notice, unconditional apology was sought and as the applicant failed to do so, false report came to be lodged. It is submitted that there is no need of custodial interrogation and the applicant is ready and willing to cooperate in the investigation.

6. On the other hand, the learned APP for the Respondent/State and the learned counsel for the victim submit that from overall conduct of the applicant, it is apparent that the intent of the applicant was to sexually exploit the victim with no intent to marry her. It is submitted that considering the nature of crime, the applicant may not be released on anticipatory bail.

7. I have perused the FIR and the other documents placed on record. It appears that though in March-2024, itself the applicant got to know about the marriage of the applicant, she lodged the report on 09.05.2025 i.e. after more than one year.

Before lodging the report, in the notice dated 18.04.2025, she sought unconditional apology only. Prima-facie, the alleged physical relationship between the victim and the applicant appears to be consensual. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed :

ORDER

- a) The Application is allowed.
- b) In the event of arrest of the applicant in connection with Crime No. 375 of 2025 registered at Samta Nagar Police Station, for the offences punishable under Sections 376 & 376(2)(n) of the Indian Penal Code, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- c) The applicant shall attend the concerned police station as and when called by the investigating officer and shall co-operate in the investigation.
- d) The applicant shall not contact the victim.

[N.R.BORKAR, J.]