

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

ANTICIPATORY BAIL APPLICATION NO.3598 OF 2025

Vishal Madanlal Sharma ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Hasanuddin S. Ansari a/w Devika Shukla for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent-State.

Mr. Nilesh Jaiswal for the Intervenor.

API Kusalkar, Kurla PS is present.

CORAM : N.R. BORKAR, J.

DATE : 06TH JANUARY 2026

P.C. :

1. This is an Application for anticipatory bail.
2. The Applicant is apprehending his arrest in Crime No.719 of 2025 registered with Kurla Police Station for the offences punishable under Sections 351, 64(1) of the Bharatiya Nyaya Sanhita, 2023.
3. The prosecution case is that the Applicant and the victim were working in the same company as security guard and security supervisor respectively. It is alleged that on the date of incident, which took place on 05th October 2025, the present Applicant had called the victim to one place to discuss his personal issues. It is alleged that under the pretext of discussing certain things with the victim the Applicant took the victim to one hotel and committed forcible sexual intercourse with her. Thereafter,

the Applicant allegedly contacted the victim repeatedly to meet him again and threatened to make her objectionable photos and videos viral, if she refused to do so.

4. I have heard Learned Counsel for the Applicant and Learned APP for the Respondent-State.

5. Learned Counsel for the Applicant submits that the alleged act was consensual. It is submitted that the Applicant is ready and willing to cooperate in the investigation.

6. On the other hand, Learned APP for the Respondent-State submits that considering the nature of crime, the Applicant may not be released on anticipatory bail.

7. Learned APP for the Respondent-State has tendered the statement of the victim recorded by the Magistrate under Section 183 of the BNSS. In the said statement, the victim has stated that she does not want to prosecute the present Applicant. Even otherwise, perusal of the FIR *prima-facie*, shows that the alleged act between the Applicant and the victim was consensual. In that view of the matter, I am inclined to release the Applicant on anticipatory bail. Hence, the following order:-

ORDER

- i. The Anticipatory Bail Application is allowed.
- ii. In the event of the arrest of the Applicant in Crime No.719 of 2025 registered with Kurla Police Station for the offences punishable under Sections 351, 64(1) of the Bharatiya Nyaya

Sanhita, 2023, he shall be released on bail on furnishing a PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

- iii. The Applicant shall attend the concerned Police Station as and when called for by the investigating officer and shall co-operate in the investigation.

8. The Anticipatory Bail Application is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)