

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 172 OF 2026

Mangesh Satish Vairat

...Applicant

Versus

The State of Maharashtra and anr.

...Respondent

Mr. Ibrahim Shaikh with Mr. Ashraf Ali Shaikh, Mr. Faizan Shaikh, Mr. Padamsigh Patil, Advocate for Applicant.

Mr. S. R. Agarkar, APP for Respondent No.-State.

Mr. Sarvesh Deshpande along with Mr. Parth Talekar, Advocate for Respondent No.2.

API-Atul Shete, Sant Tukaram Police Station, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th MAY, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 255 of 2025 registered with Sant Tukaram Nagar Police Station, District Pune, for the offences punishable under Sections 64, 308, 352 and 351(2)(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 67(A) of the Information Technology Act.

2. It is prosecution's case that the applicant sexually assaulted the first informant and also took amount from her by threatening her.

3. It is contention of learned counsel for the applicant that the physical relationship between the applicant and the victim was consensual as the victim was 27 years old at the time of the incident. The applicant is

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behind bars for around 10 months. He has no antecedents. The investigation is complete and charge sheet has been filed. Hence, requested to allow the application.

4. It is contention of learned APP along with learned counsel for respondent No. 2 that the applicant sexually assaulted the first informant by threatening her and thereafter sent obscene photos of the victim to her husband. If the applicant is released on bail, he may abscond or threaten the prosecution witnesses and requested to reject the application.

5. I have heard both learned counsel, perused charge-sheet and documents produced on record. The applicant is behind bars for around 10 months. He has no antecedents. The relationship between the applicant and the first informant appears to have been consensual. To prove the case against the applicant, trial is required. Considering these facts, I pass following order:

ORDER

- (i) The applicant be enlarged on bail in Crime No. 255 of 2025 registered with Sant Tukaram Nagar Police Station, District Pune, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station as and when required.

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- (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.

The application is allowed in the aforesaid terms and is accordingly disposed of.

6. 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.

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

(SHIVKUMAR DIGE, J.)