

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.295 OF 2026

|                               |                |
|-------------------------------|----------------|
| Sushil Madan Yadav            | ...Applicant   |
| <i>Versus</i>                 |                |
| State of Maharashtra and Anr. | ...Respondents |

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**Mr. Murtaza Najmi** a/w Sandeep Dubey, Farida Najmi, Nancy Kanungo, Afsar Ansari, Aramnisha Shaikh and Suraj Pandey, for the Applicant.

**Mr. S.V. Walve**, APP for the Respondent-State.

**Ms. Komal Sinha**, for the Respondent No.2.

**PSI – Tukaram V. Mengal**, Aarey Police Station, present.

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**CORAM:** R. M. JOSHI, J.  
**DATED:** 30<sup>th</sup> APRIL, 2026.

**PC:-**

1. The Applicant seeks his release on bail in connection with CR No.91 of 2025 dated 5<sup>th</sup> June, 2025, registered with Aarey Police Station, for offence punishable under Sections 69 and 89 of the Bharatiya Nyaya Sanhita, 2023.

2. The First Informant is a lady, aged about 27 years. She reports that in February, 2016, she was introduced to the Applicant by her friend. There was a love relationship between them. It is her claim that on the promise of marriage he established forceful physical relations with her. As per the FIR, the said relationship continued from 2016 till 2025. It is when the Informant found that the Applicant is married, the report came to be lodged.

3. Learned counsel for the Applicant submits that *prima facie* perusal of the FIR indicates that this is a case of consensual relationship between two adult persons. According to him, it is only for the reason that the Applicant has performed marriage, the offence came to be registered. He further submits that the Applicant has no criminal history behind him and hence is not likely to flee from justice.

4. Learned APP and learned counsel for the Respondent No.2 opposed the application. It is the contention of learned counsel for Respondent No.2 that in the FIR there is specific mention of establishment of forcible physical relationship on the promise of marriage. She also drew attention of the Court to the allegation with regard to the miscarriages being done from 2019 to 2025.

5. Learned counsel for Respondent No.2 apprehends pressurizing at the hands of the Applicant, if enlarged on bail. In response, learned counsel for the Applicant, on instructions, makes a statement that the Applicant will not enter the jurisdiction of the concerned police station till conclusion of trial.

6. *Prima facie* perusal of the FIR itself indicates that this is a case of love relationship between two adult persons. Once the Informant claimed that the relationship is established, on false promise of marriage, simultaneously she cannot claim that it was forcible physical relationship established by the Applicant with her. Apart from the fact that the relationship continued from 2016 till 2025, there is nothing on record to show that it was on false promise of marriage. Pertinently, allegations with regard to

miscarriages also span over a period from 2019 to 2025. This Court therefore finds substance on the contention of the learned counsel for the Applicant that this could be a case of false implication.

7. In view of the aforesaid, following order.

**ORDER**

- i) The Bail Application stands allowed.
  - ii) In connection with CR No.91 of 2025 dated 5<sup>th</sup> June, 2025, registered with Aarey Police Station, the Applicant be enlarged on bail on furnishing PR Bond of Rs.15,000/- with one surety in the like amount, to the satisfaction of the Trial Court.
  - iii) The Applicant shall not enter the jurisdiction of Aarey Police Station till conclusion of the trial.
  - iv) The Applicant shall not tamper with or interfere with the prosecution evidence in any manner whatsoever.
  - v) The Applicant shall not contact the victim/Informant in any manner whatsoever.
8. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

**(R. M. JOSHI, J.)**