

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.987 OF 2026

Karan Sanjay Jadhav

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Dikshita Gupte, for the Applicant.

Mr. Hitendra J. Dedhia, APP for the Respondent - State.

PI – Satish Kawankar, Andheri Police Station, present.

CORAM: R. M. JOSHI, J.

DATED: 2ND APRIL, 2026.

PC:-

1. The Applicant seeks his enlargement on bail in connection with CR No. 722 of 2025 registered with Andheri Police Station, for offence punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023.

2. In brief it is the case of the prosecution that the prosecutrix who is an adult, got in contact with the Applicant on matrimonial site. They decided to marry and the Applicant agreed to marry her. Since they decided to marry, they entered into physical relationship. The First Information Report indicates that in October, 2023 Applicant had called the Informant in Ujjain to meet his family members. She went there and stayed with them for about four days. Even thereafter they continued with their relationship and also travelled abroad. It is the allegation of the

Informant in the report that though the marriage of the Applicant was fixed with another girl in March, 2025 he suppressed the said fact from her and established physical relations and therefore offence under Section 69 of the Bharatiya Nyaya Sanhita, 2023 was registered.

3. Learned counsel for the Appellant submits that the FIR itself it is clear that it is not the case of establishment of physical relations by the Applicant on false promise of marriage. It is pointed out from the record that the Informant stayed with the family members of the Applicant and that both families consented for the marriage. It is argued that on account of cultural differences the marriage was called off and hence it cannot be termed as false promise of marriage. The Applicant has no criminal antecedents. The trial is not likely to get over in a reasonable period of time. She therefore prays that the Applicant be enlarged on bail.

4. Learned APP opposed the application by contending that on the basis of the FIR it could be seen that the Applicant assured the Informant of marriage and therefore physical relations were established between them. It is his submission that merely because Informant went and stayed with the family members of the Applicant it cannot be presumed that this is not a case of false promise of marriage.

5. *Prima facie* perusal of the FIR itself indicates that the Applicant and the Informant agreed to marry and hence the same was communicated to their respective families. It further shows

that both families agreed for their marriage. The Informant has even stayed with family of the App and also travelled abroad with him in foreign countries. Thus on the face of it indicates that merely because subsequently for some reason the marriage is required to be called off, it cannot become an offence of sexual intercourse being committed with the Informant was on false promise of marriage. The Applicant has no criminal history. He is not likely to flee from justice. Trial will take its own long time for conclusion. The Applicant cannot be kept behind the bars by way of pre-trial sentence. Hence the following order is passed.

ORDER

- i) The Bail Application is allowed.
- ii) In connection with C.R. No.722 of 2025 registered with the Andheri 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 tamper with or interfere with the prosecution evidence in any manner whatsoever.
- iv) The Applicant shall attend all dates of hearing before the Trial Court unless exempted.

6. 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.)