

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1119 OF 2026**

Mohammad Nadim S/O Mohd. Nayeem ... Application

Versus.

The State Of Maharashtra And Anr. ... Respondents

Ms. Priyanka Dubey, Ms. Megha Gupta, Ms. Hitanshi Gajaria, Mr. Utkarsh Shukla, Mr. Saurabh Kamble, for the Applicant.

Mr. Hitesh Jain a/w Mr. Alok Pandey, for the Intervener.

Ms. Poonam Bhosale, APP for the Respondent – State.

PI- Bapurao Gawade, Sahar Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 6th May, 2026.

P.C. :

1. Heard Ms. Priyanka Dubey learned Advocate for the Applicant and Mr. Hitesh Jain learned Advocate for the Applicant/Intervenor.

2. By the present Application under Section 482, the Applicant seeks pre-arrest bail in FIR bearing No. 0156 dated 21.02.2026 registered with Sahar Police Station, Mumbai (FIR), for offences punishable under Sections 69, 82(2) and 89 of the Bharatiya

Nyaya Sanhita (for short, “BNS”), 2023.

3. The FIR was registered based on the complaint of Respondent No. 2. The complaint states that Respondent No. 2 and the Applicant became friends in 2023, which later progressed into a relationship. That the Applicant and Respondent No. 2 resided together at various hotels, such as the JW Marriott Hotel and the Lalit Hotel, situated in the State of Maharashtra, for periods ranging from two to five days, as and when the Applicant, a resident of Delhi, used to visit Mumbai. That the Applicant and Respondent No. 2 had a physical relationship in the said hotels. The Applicant and Respondent No. 2 are said to have travelled to various places in the country and abroad, including Dubai. That Respondent No. 2 was pregnant on two occasions and had to abort the baby in Dubai. The Applicant purchased a flat in Jogeshwari (West), Mumbai. On 23.06.2025, the Applicant and Respondent No. 2 got married in the presence of a Qazi at a hotel in New Delhi. Thereafter, the relationship lasted for a month and a half, after which the Applicant abandoned Respondent No. 2. Respondent No. 2 has alleged in the complaint that the Applicant

was already married.

4. Ms Priyanka Dubey, learned Advocate for the Applicant, submits that the Applicant and the Respondent No. 2 were friends, and that their friendship developed into a consensual physical relationship. She submits that the Applicant and the Respondent No. 2 willingly stayed in hotels for days together. She submits that the Applicant and the Respondent No. 2 were partying at various places across the country and the world. She submits that the Applicant handed over various amounts to the Respondent No. 2 at the Respondent No. 2's request, which the Respondent No. 2 had assured would be returned. She states that the complaint with false allegations is filed because the Applicant has requested his money from the Respondent No. 2. She submits that the Applicant's allegations of a promise to marry, rape, etc., as made in the complaint, are baseless and false. She asserts that the physical relationship between the Applicant and the Respondent No. 2 was consensual.

5. Mr Hitesh Jain, learned Advocate for the Respondent No. 2, states that the Applicant and the Respondent No. 2 were friends

and in a relationship since 2023. He further states that they were partying together at various locations and staying in hotels for periods of two to five days. He submits that the flat at Jogeshwari, Mumbai, was purchased by the Applicant in the name of the Respondent No. 2, with some amount invested by the Respondent No. 2. He submits that the Applicant and the Respondent No. 2 were married in a hotel in Delhi. He further submits that the Applicant concealed his first marriage from the Respondent No. 2.

6. Ms. Poonam Bhosale, learned APP for the Respondent-State, submits that the FIR indicates that the offence under Section 69 of the BNS has been committed. She submits that the presence of the Applicant before the Investigation Officer is necessary, as the Applicant is required to be subjected to the Medical Examination. She submits that the custodial interrogation of the Applicant is necessary to verify the details of the Qazi who performed the marriage of the Applicant and Respondent No. 2 at a hotel in Delhi.

7. Ms. Priyanka Dube, learned Advocate for the Applicant, on instructions from the Applicant, states that the Applicant is ready

to undergo a medical examination and will make himself available as and when required by the Investigation Officer.

8. Perused records.

9. The contents of the FIR indicate that the Applicant and Respondent No. 2 were in a relationship since 2023. They travelled to various places, stayed together in hotels (JW Marriott and Lalit Hotel, Mumbai) for periods ranging from two to five days. The Applicant and Respondent No. 2 also travelled abroad together. The flat at Jogeshwari, Mumbai, is said to have been purchased by the Applicant in the name of Respondent No. 2.

10. Prima facie, the allegations in the FIR indicate that the physical relationship between the Applicant and Respondent No. 2 appears consensual. From the contents of the FIR, the case appears to be one of love rather than lust. It appears that the relationship has soured due to a dispute, which, according to Ms. Priyanka Dube, is the Applicant's demand that Respondent No. 2 return his money.

11. Considering the facts and circumstances of the case, the Applicant's custodial interrogation is not required.

12. In view of the above, this Applicant is allowed on the following terms:-

(a) In the event of arrest of the Applicant in FIR No. 156 registered with Sahar Police Station, Mumbai, the Applicant shall be released on bail on furnishing a PR bond in the sum of Rs. 1,00,000/- (Rupees One Lakh only) with one or two local sureties in the like amount.

(b) Applicant shall report to the Investigation Officer at Sahar Police Station, Mumbai, on 11.05.2026 at 10.00 am for medical examination.

(c) Applicant shall report to the Investigation Officer, Sahar Police Station, Mumbai on the 4th Saturday of every month between 03.00 pm to 05.00 pm., commencing from the month of May 2026. In the event the Applicant is required on any other day, by the Investigating Officer, Sahar Police Station, Mumbai, the Applicant shall ensure his

presence before the Investigating Officer.

(d) Applicant shall not directly or indirectly make any inducement, threat or promise to any person/s acquainted with the facts of the case to dissuade such person/s from disclosing the facts to the Court or any police officer.

(e) Applicant shall not tamper with evidence in any manner.

(f) Applicant shall provide the Investigation Officer with his residential address along with proof, his contact number, email and must inform the Investigating Officer of any changes to this information from time to time.

(g) Applicant shall cooperate with the Investigating Officer in the process of investigation of the present Crime.

13. ANTICIPATORY BAIL APPLICATION NO. 1119 OF 2026 is disposed of.

(ASHWIN D. BHOBE, J.)