

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 1444 OF 2026

Dnyaneshwar S/o Pralhad Gore
V/s.

...Applicant

State of Maharashtra

...Respondent

Mr. Abhishek Kulkarni for the Applicant.

Mr. Tanveer Khan, APP, for the Respondent-State.

Ms. Pooja Pradhan Gavhane, Lonavala City Police Station, present.

CORAM : FARHAN P. DUBASH, J.

DATE : 3rd JUNE 2026
(VACATION COURT)

ORDER:

1. By the present application, the applicant seeks pre-arrest bail in First Information Report (**FIR**) bearing no. C.R. No. 0050 of 2026, dated 23rd March 2026, registered with Lonavala Police Station, Pune Rural, for the alleged offences punishable under Sections 3(5), 351(2), 352, 64 (2) (m) and 69 of the Bharatiya Nyaya Sanhita, 2023 (**BNS**). The applicant, Mr. Dnyaneshwar Pralhad Gore, is named as accused no.2 in the FIR and is the elder brother of Mr Vivek Pralhad Gore, who has been named as accused no.1.
2. For the purposes of deciding the present application, it is necessary to

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set out the relevant facts in brief, which are set out hereunder:

- i. According to the FIR, the complainant/ first informant/ victim is a software engineer in a company. The FIR states that in February 2025, her family and accused no.1 exchanged biodata for marriage and that on 9th April 2025, accused no.1 contacted the complainant through his Instagram account.
- ii. Thereafter, the FIR reveals that their communication increased through phone calls, messages, and video calls and that since they were from the same profession, same caste, and were related to each other, and from the same district, she became acquainted with him and developed trust in him.
- iii. Thereafter, on 16th April 2025, the FIR reveals that accused no.1 messaged the complainant on Instagram, saying that he loved her and proposed to her and that he asked her to come to Pune and said that they would spend time together and understand each other. On 19th April 2025, they met at Kothrud and then went to NDA, Pashan, where accused no.1 told her that they would go to Alandi and get married, and that he would call his mother there, and that they would send a direct marriage photograph to the family. By saying so, he gained her trust. Pursuant thereto, the FIR states that the complainant

believed him and, relying on the promise of marriage, she went with him to Lonavala between 20th April 2025 and 22nd April 2025.

- iv. It is alleged in the FIR that on 20th April 2025, between 11:00 a.m. and 12:00 noon, the complainant went to bathe in the bathroom of the hotel room, while accused no. 1 was in the bedroom and that while she was bathing, he suddenly started knocking on the bathroom door and asked her to open it, to which the complainant responded that she would come out after bathing, but accused no.1 kept knocking and insisted that she open the door hence she opened the door and accused no.1 then forcibly had sexual intercourse with her. The FIR further states that she cried a lot that day and, on the assurance of accused no.1 that he would marry her, trusting his promise of marriage, she had sexual relations with him repeatedly. The FIR states that the complainant alleged that during the period from April 2025 to September 2025, accused No.1 had sexual relations with her against her wishes and later refused to marry her.
- v. Insofar as the allegations against the applicant are concerned, the FIR states that the father of the complainant went to the

house of the accused No. 1 for the purposes of discussing the marriage of the complainant, at that time, it is alleged that the applicant verbally abused her father and threatened to kill him. Further, on 12th March 2026, it is alleged that when the complainant called the applicant to ask about accused no.1, he hurled insults at her and made derogatory remarks regarding her character and that of her mother.

- vi. Pursuant to the filing of the FIR, the applicant along with accused no.1 were constrained to approach the Sessions Court at Wadgaon Maval, Pune, by filing Criminal Bail Application No. 130 of 2026 dated 4th April 2026 seeking anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 which came to be rejected by an order dated 19th May 2026, as regards the applicant, mainly on the ground that the applicant had abused the complainant's father and threatened to kill him whilst further observing that when the complainant called the applicant, he also hurled abuses at her and made derogatory remarks regarding her character as well as the character of her mother, and therefore, his involvement in the crime was evident.

3. Mr. Abhishek Kulkarni, learned Counsel appearing for the applicant,

submits that notwithstanding the innocence of his client, even if the allegations in the FIR are taken at their face value, the same do not attract the ingredients of Sections 64 and 69 of the BNS, insofar as the applicant is concerned. He further submits that, at the most, the allegations against the applicant are only of having abused and threatened the complainant and/or her father, which are bailable offences.

4. Mr. Kulkarni further submits that the Sessions Judge has rejected the application of the applicant in a casual and mechanical manner. He contends that the Sessions Court was informed that accused No.1 had already been arrested on 17th April 2026, and despite the same, the application came to be rejected without properly appreciating the limited role attributed to the applicant.
5. It is reiterated that the role attributed to the applicant is limited and that the only allegation against the applicant is that he allegedly abused and threatened the complainant and/or her father, and except for this, no other act has been attributed to him. He contends that the principal allegation of maintaining physical relations with the complainant on the promise of marriage is against accused No.1, who has already been arrested.
6. Lastly, he contends that in the facts of the present case, the custodial

interrogation of the applicant is not necessary and that nothing remains to be recovered from the applicant, and the investigation has already been completed, and the charge-sheet has already been filed. Mr. Kulkarni further submits that the applicant is willing to cooperate with the investigating agency and ready to abide by any condition that may be imposed by this Court.

7. On the other hand, the learned APP, Mr. Tanveer Khan opposes the application. It is submitted that the allegations are serious in nature and that the Sessions Court has already rejected the Applicant's prayer for anticipatory bail giving cogent reasons.
8. I have perused the record and considered the rival submissions made by the parties. At the outset, it is relevant to note that serious / primary allegations attracting Sections 64 and 69 of the BNS are directed only against accused no.1 namely, allegations of sexual intercourse on the promise of marriage. However, insofar as the applicant is concerned, the only allegation against him is that of abuse, insult and threat to the complainant and her family members. That apart, no specific overt act in relation to the principal offence is attributed to him.
9. The mere fact that the applicant happens to be the brother of accused no.1 cannot, by itself, justify his custodial interrogation in the absence

of material disclosing a more direct role. It is also material to note that accused no.1 has already been arrested and remanded to custody, and the investigation has progressed to the stage of filing the charge-sheet. In these circumstances, no specific material has been pointed out to demonstrate why custodial interrogation of the applicant is indispensable for the purpose of further investigation, and hence the necessity of custodial interrogation of the applicant will have to be considered in the light of the limited role attributed to him. Moreover, the offences under Sections 351 and 352 of the BNS are bailable in nature. Therefore, even assuming the allegations against the applicant are accepted, for the limited purpose of the present application, the said offences do not, by themselves, justify custodial interrogation.

10. It is settled law by the Apex Court in *Siddharam Satlingappa Mhetre vs. State of Maharashtra*¹ that whilst considering a prayer for anticipatory bail, a balance has to be struck between ensuring a free, fair and full investigation and protecting an accused from unnecessary harassment, humiliation, and unjustified detention.
11. Having regard to the nature of the allegations against the present applicant, the fact that accused no.1 has already been arrested, and the further fact that the charge-sheet has already been filed, I am of

1 (2011) 1 SCC 694

the view that custodial interrogation of the applicant is not warranted.

12. Considering this, the present Anticipatory Bail Application is allowed on the following terms:

- a) In the event of arrest of the applicant in Crime No. 50 of 2026 registered with Lonavala Police Station, District Pune Rural, for the offences punishable under Sections 3 (5), 64(2)(m), 69, 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023, the applicant shall be released on bail on furnishing P.R./S.B Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount.
- b) The applicant shall report to the Investigating Officer of Lonavala Police Station on every Monday between 11.00 a.m. and 2.00 p.m. commencing from the date of this order. Thereafter, as and when called upon by the Investigating Officer, the applicant shall ensure his presence before the Investigating Officer.
- c) The applicant shall cooperate with the investigation and shall not directly or indirectly tamper with the evidence nor influence any witnesses, or any person connected with the case.
- d) The applicant shall not leave India without prior permission of

the trial Court.

13. In the event the applicant violates any of the conditions specified in this order, the anticipatory bail granted herein shall be liable to be cancelled. It is clarified that the observations made in this order are limited to the disposal of the present Application, and the Trial Court shall proceed in the matter without being influenced by the observations made hereinabove.

(FARHAN P. DUBASH, J.)

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