

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO. 1298 OF 2025

Kishor Anandrao Gawde

..VS..

State of Maharashtra and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Madhur Deo, Advocate for the applicant.

Mrs. M.H. Deshmukh, APP for the State.

Ms Kirti Deshpande, Advocate for non-applicant no.2.
(appointed)

CORAM: M.M. NERLIKAR, J.

DATE : 28.01.2026.

Heard the learned Counsel for the applicant,
learned APP appearing for the State and the learned
appointed Counsel for non-applicant no.2.

2. By way of this application, the applicant is
seeking bail in connection with Crime No.20 of 2025
registered with Kurkheda Police Station, District
Gadchiroli for the offence punishable under Sections
64(2)(h), 64(2)(m), 69, 351(2), 352, 115(2) of the
Bharatiya Nyaya Sanhita, 2023.

3. The FIR has been registered by the victim girl
aged 19 years of age (at the time of incident) against the
present applicant alleging sexual intercourse on false
promise of marriage, due to which she conceived and
delivered a baby boy.

4. Learned Counsel for the applicant submits that
the victim was major at the time of incident and the
relationship between them was consensual relationship.
Initially, the applicant was ready to marry her however

she refused to marry. Subsequently he got engaged with another girl and at that time she requested the present applicant for marriage, however, when the applicant refused to marry with her, she lodged the report after four years from the date of first incident. Considering the relationship between the applicant and the victim, offence of rape could not said to be made out and therefore, prays to allow the application by enlarging the applicant on bail.

5. On the other hand, learned APP for the State and learned appointed Counsel for non-applicant vehemently opposed the present application on the ground that there was false promise of marriage and under which the consent was obtained and committed rape on the victim. Due to the said relations, she got pregnant and delivered a baby boy. Considering the serious nature of allegations, they prayed to reject the bail application.

6. I have heard the learned Counsel appearing for the parties and perused the record as well as investigation papers. Admittedly, the victim was of 19 years of age at the time of incident. However report has been lodged almost after 4 years from the date of the first incident. The allegation against the present applicant is that he has committed forceful sexual intercourse with her, which admittedly, seems to be by way of an afterthought. In fact, the FIR discloses that it was a consensual relationship, from which a baby boy was born. The fact remains that the victim was 19 years of age and therefore, she was consenting party to the

said relationship. It cannot be said that under the pretext of false promise of marriage, the said act has been done as *prima facie* it does not appear from the record that since inception the present applicant did not intend to marry the victim.

7. Considering the above facts and circumstances of the case, I am inclined to enlarge the applicant on bail, as the investigation is complete and charge-sheet has been filed, on the following terms and conditions. Hence, the following order :

- (a) The application is allowed and disposed of.
- (b) The applicant/accused Kishor Anandrao Gawde be released on regular bail in connection with Crime No.20 of 2025 registered with Kurkheda Police Station, District Gadchiroli on furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.
- (c) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (d) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.

8. Fess of the appointed Counsel be quantified as per Rules.

(M.M. NERLIKAR, J.)