



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [BA] NO. 1450 OF 2025.

Kalpesh Shashikant Kakkad.

-VERSUS-

State of Maharashtra and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Ms M. Sharma/Kulkarni, Advocate for the Applicant.
Shri D.V. Chavhan, Senior Advocate/PP with Shri A.A.
Madiwale, A.P.P. for Non-applicant No.1.
Shri S. Dewani, Advocate for Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 22, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.432/2025 registered with Jaripatka Police Station, Nagpur for the offence punishable under Sections 328, 376, 376[2][n] and 420 of the Indian Penal Code.

3. The informant – victim since 2019 was residing with her brother at Mumbai and was practicing as an Advocate, however, because of health problem she is working from home at Nagpur. It is her allegation that while residing at Mumbai, she received a friend request

from the facebook account of the applicant. On accepting the same, the applicant sent his biodata and intimated her that he is willing to marry her. The victim told this to her family members, where meeting was held, and on 14.01.2024 they got engaged at Nagpur at the residence of the victim. It is further alleged by the victim that on the very same day when all the family members had been to temple, she was in the kitchen, where she informed the applicant that she is experiencing headache, on which the applicant gave her some tablet. After taking this tablet the victim lost her control and taking advantage of the same, the applicant has committed sexual intercourse with her. Thereafter the applicant declined to marry her and told her that he is having her photo and video and on the threat to make them viral established sexual relations with her on multiple occasions. During that period, the applicant had also taken Rs.8 to 10 lakhs from victim's brother on the pretext of investment in share market, and thus, the report came to be filed.

4. The learned Counsel for the applicant submits that the allegations of rape has been alleged against the present applicant. Infact the informant is 47 years of age and an Advocate by profession. It cannot be said that a lady of 47 years, and who is an Advocate by profession, would permit any person to commit rape without her consent, and therefore, she submits that it is a case of consensual act. She further

submits that in order to attract Section 328 of the Indian Penal Code, there is no evidence in the entire charge sheet. Further vague allegations are made in order to implicate the present applicant. She further submits that it is an admitted fact that the present applicant was intending to marry with her, not only that engagement had also taken place, and the applicant is still ready and willing to marry her. It is further submitted that the informant has invested some amount, as present applicant was engaged in the business of share market, however, there was loss and therefore, the informant and her family members were claiming the amount from the applicant which they had invested in the share market. As the applicant was not able to return the amount, therefore, the first information report came to be registered.

5. On the other hand, the learned Senior Counsel and PP for Non-applicant/State and learned Counsel for the Non-applicant/victim-informant submits that applicant has used a specific modus operandi in order to drag multiple women. They have invited my attention to facebook accounts, where in the applicant was in touch with near about 17 women. Further they have invited my attention to several chats with those women. They have also invited my attention to two statements recorded by the investigating officer, wherein similar modus operandi was used in order to take benefit of those ladies. The applicant had asked one

lady to invest Rs.60,000/-, however, as she was not having the said amount, the applicant had blocked her. Similar was the case with another victim, wherein she had invested Rs.1 lakhs and given gold articles to the applicant. They further submit that one first information was registered after present first information report in Hyderabad, wherein similar story was narrated by the victim of the said complaint. Both the learned Counsel specifically and vehemently argued that the applicant is a conman, and he is in the habit of conning women who are around 40 years of age, and therefore, they submit that by using a specific modus operandi, the applicant is conning women. It is further submitted that so far as the crime relating to Hyderabad is concerned, the same was suppressed, and on that basis the trial Court has rejected the bail. The learned Counsel for the non-applicant no.2, has for said purpose relied on the judgment of this Court (Aurangabad Bench) dated 19.01.2026 in Criminal Application No.2236/2025 (Amol @ Pappu Popat Andhale .vrs. The State of Maharashtra), which reiterates suppression of criminal antecedents, is a good ground to reject bail. Further the investigation is going and they prayed to dismiss the application.

6. Upon consideration of the rival submissions admittedly it appears from the record that the victim is aged 47 years, further she is an Advocate by profession. Admittedly there is no material except for bare

statement that the informant has given some tablet and thereafter the offence of rape has been committed. Therefore, in order to attract the provisions of Section 328 of the Indian Penal Code, there is no material on record. Now from the entire first information report, it appears that under false promise of marriage, the applicant has committed sexual intercourse with the victim. As observed above, admittedly the victim is a major person, however, in the further part of the first information report it appears that near about 8 to 10 lakhs rupees have been invested by the family of the informant with the applicant in the share market. So far as the statement of two witnesses are concerned, wherein my attention was drawn by the learned Counsel for the non-applicants, however, both statements does not show that they were sexually abused or sexual intercourse was committed with them.

7. Considering the above nature of material it appears from the contents of first information report that it is a consensual act. So far as the offence registered at Hyderabad is concerned, it can be gathered that in that crime, the applicant was granted bail by the competent Court at Hyderabad. Considering the nature of allegations and the material placed before me, I am satisfied that a case for grant of bail has been made out by the applicant. So far as the reliance on the judgment placed by the learned counsel for non-applicant no.2 is concerned, in paragraph no.20

of the said judgment, this Court has observed as under -

“20. As has been held by the Hon’ble Apex Court in the case of Munnesh [supra], it was obligatory for the applicant to disclose the criminal antecedents, while presenting the bail application and the same is not complied with. The failure to do so constitutes an additional circumstance against the applicant, justifying the rejection of the application.”

However, so far as the present case is concerned, the present applicant has disclosed said facts before this Court, not only that, he has annexed copy of application filed at Hyderabad, therefore, the observations of this Court in paragraph no.20 of the cited judgment would not be of any help to the non-applicants. Thus, considering the above facts, coupled with the fact that no purpose would be served by keeping the present applicant behind bars, as the investigation is complete and charge sheet is filed, he can be released on bail by imposing certain stringent conditions. Hence the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Kalpesh Shashikant Kakkad be released on regular bail in connection with Crime No.432/2025 registered with Jaripatka Police Station, Nagpur for the offence punishable under Sections 328, 376, 376[2][n] and 420 of the Indian Penal Code on his furnishing P.R. Bond of

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Rs.25,000/- with one surety in the like amount.

- (iii) The applicant/accused shall not commit similar type of offence.
- (iv) The accused shall not enter within the territorial jurisdiction where the informant /victim is residing, till the completion of the trial.
- (v) 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.
- (vi) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.
- (vii) The accused shall attend the concerned police station on every 2nd Monday of each month, till the trial commence, and thereafter, 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.
- (viii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (ix) Misc. Applications, if any, are also disposed of.

JUDGE