



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

CRIMINAL APPLICATION (ABA) NO. 333 OF 2026

Mangesh Bhanudas Bhagat Vs State of Maharashtra

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P.W. Mirza, counsel for applicant.
Mr. C.A. Lokhande, APP for non-applicant/State.
Mr. Sumit B. Gandhe, counsel for Assist to Prosecution.

CORAM: RAJNISH R. VYAS, J.

DATED : 05/05/2026

1. Heard the respective counsels.
2. Apprehending arrest, in connection with Crime No. 180 of 2026, dated 15/04/2026, registered with Police Station Murtizapur Gramin Police Station, District Akola, for the offence punishable under Sections 69, 64(2)(m) and 351(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant has approached this Court.
3. The learned counsel for the applicant has argued that on perusal of the FIR it reveal that the relationship was consensual. He submitted that the fact that the applicant was married person was very well known to the informant, who was 23 years old at the relevant time. He argued that neither custodial interrogation of the applicant is required nor prima-facie case is made out.
4. The learned APP has opposed the application and contended that applicant has criminal antecedents and, being a married person, the accused should not have

developed physical relationship with the informant.

5. The counsel for the complainant has submitted that the applicant has played fraud upon the informant, and under the pretext of performing the marriage, had a sexual intercourse.

6. With the assistance of the respective counsels, I have gone through the record of the case. The FIR is dated 15/04/2026, and the occurrence of the offence is between 02/03/2023 to 11/04/2026. In short, it is alleged in the FIR that initially some messages were sent by the applicant to the victim of the crime and thereafter, a friendship was developed. The friendship between the applicant and victim blossomed into a love affair. It is alleged in the FIR that on 02/03/2023, the applicant had sexual intercourse with the victim under pretext of performing the marriage. On several occasions, thereafter the applicant had physical relationship with the victim. It is also alleged that on 28/10/2025, the applicant and the victim ran away from the house. It was alleged that from 11/04/2026, the applicant started avoiding her and abused her.

7. The averments made in the FIR shows that the victim was a major at the time of alleged incident and was aware that the applicant was married person. Thus, it can be said that the informant was very well aware about the fact that there was obstacle in performance of the marriage. Though the applicant has criminal antecedents, having been charged under Sections 326, 324 and 379 of

IPC that would not be a ground enough to reject the bail application, as even involvement of the applicant in the instant crime will have to be looked into.

8. The applicant has already attended the concerned police station as per the ad-interim order passed by this Court and has cooperated with the investigating agency, which fact is not disputed by the learned APP

9. Considering the period for which the applicant and victim were in relationship, and the fact that the informant was aware that the applicant was married person, I am inclined to pass the following order.

ORDER

- a] The criminal application is allowed.
- b] In the event of arrest, in connection with Crime No. 180 of 2026, dated 15/04/2026, registered with Police Station Murtizapur (Gramin) Police Station, District Akola, for the offence punishable under Section 69, 64(2)(m) and 351(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant ***Mangesh Bhanudas Bhagat***, be released on bail on furnishing a P.R. bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.
- c] The applicant shall attend the concerned

Police Station as and when required.

- d] The applicant shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses.
- e] The applicant shall not leave India without prior permission of the Court.

(RAJNISH R. VYAS, J.)

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