

Cri. Bail Application No.380/2026
Swapnil Jayprakash Sonawane Vs.State
CNR No.MHNS310010682026

ORDER BELOW EXH. 1

1. This is an application for bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in Crime No.334/2026, registered with Nashik-road Police Station, Dist. Nashik for the offences punishable under Sections 64(2)(M), 351(2), 352, 115(2) of the Bharatiya Nyaya Sanhita, 2023 (Hereinafter referred to as 'the BNS' for short).
2. Heard the learned counsel for the applicant, learned A.P.P for the State and informant. They have argued in length, in the same line that of their contentions. Perused the record.
3. Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated. It is contended that the investigation is substantially over and the applicant has remained in custody for a considerable period. It is further submitted that the applicant is a permanent resident of the local area and there is no possibility of absconding or tampering with the prosecution evidence.
4. Per contra, learned APP opposed the application and submitted that the offence is of a serious nature and is exclusively triable by the Court of Sessions. It is submitted that there is prima facie material connecting the applicant with the crime. According to the

prosecution, release of the applicant on bail would create a possibility of influencing witnesses and adversely affecting the trial. Considering the nature of punishment, possibility of tampering evidence, fleeing away from justice, threatening the witnesses can not be ruled out and, therefore, the application deserves rejection.

5. As per the FIR, the accused secretly recorded nude videos of the complainant while she was changing clothes; he then threatened to circulate these videos to her husband's WhatsApp and Facebook accounts, as well as elsewhere. Under this threat, he repeatedly forced the complainant to engage in sexual relations, either by visiting her home or taking her to a lodge near Muktidham; when she refused, he verbally abused her and physically assaulted her.
6. On perusal of material on record, the role of present accused is specifically attributed. That accused under the threat, repeatedly forced the complainant to engage in sexual relations.
7. Upon consideration of the rival submissions and the material available on record, it appears that the accusations against the applicant are grave in nature. The investigation papers disclose prima-facie involvement of the applicant in the commission of the alleged offence. The material on record indicate the complicity of the applicant. Investigation is going on.
8. At the stage of consideration of bail, a detailed examination of the evidence is not warranted. However, the Court is required to

consider the nature and gravity of the accusation, severity of punishment in the event of conviction, possibility of tampering with evidence, and likelihood of the accused fleeing from justice.

9. Having regard to the seriousness of the allegations, the manner in which the offence is alleged to have been committed, and the prima facie material available on record, this Court is of the opinion that no case is made out for exercising discretionary jurisdiction in favour of the applicant. There is also substance in the apprehension expressed by the prosecution regarding possible influence on material witnesses if the applicant is released on bail at this stage. Considering the nature of punishment, possibility of tampering evidence, fleeing away from justice, threatening the witnesses can not be ruled out
10. In view of the aforesaid circumstances, this Court does not find any justifiable ground to enlarge the applicant on regular bail. Considering the overall circumstances, including the age and marital status of the victim and the nature of the alleged crime, he does not deserve to be enlarged on bail, Hence, the following order.

ORDER

The application is hereby rejected

Date : 03/08/2026
Place: Nashik-road

(K.G.Joshi)
Addl. Sessions/Spl.Judge, Nashik-road.