



SESSION CASE NO.20/2026
(State Vs. Yogesh Vijaysingh Aade)

ORDER BELOW EX.03.

(Dated : 10.03.2026)

Applicant Yogesh Vijaysingh Aade has sought bail under S.483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with crime no.931/2025 registered with Khadan police station, Akola, Tq. Dist. Akola for the offence punishable under S.64, 77, 127(2), 351(4), 336(3) of Bharatiya Nyaya Sanhita, 2023.

2) Brief facts of the prosecution case are as under ;

On 10.11.2025, informant lodged FIR. She is 33 years old married woman having two children. Her husband is police Head Constable. In August 2024, she got acquainted with accused in a hospital. She gave cell phone number of her husband to him. Accused assured the informant to secure admission for D. Pharm. Course. They developed friendship. During that period, informant had matrimonial discord with her husband and went to reside at her maternal home. Accused used to make phone calls to her. He expressed his love and wish to marry her. She refused his marriage proposal and asked not to make phone calls. Thereafter they developed love affair. Informant went to meet the accused at his apartment. He had forcible sexual intercourse with her against her wish. He took her obscene naked video in his cell phone. Thereafter he started to blackmail her by threatening her to send her naked video to her husband and post it on Instagram and Facebook. On 17.3.2025, he took informant to the

office of one Notary and forcibly prepared agreement of marriage. He threatened to kill her and her children if she would tell anybody.

3) On 08.11.2025 at 7.30 p.m., accused broke window glass, side glass of Activa two wheeler and damaged motorcycle of informant's husband by wooden stick. When informant's husband returned home, accused ran away. On 09.11.2025, accused made phone calls on cell phone number of informant and her husband and threatened the informant to share her obscene photographs and video on social media and with her husband if she would not meet him. At 8.00 p.m. informant went to the apartment of accused to give him understanding. Accused committed rape on her. He locked the flat from outside and went away with his and her cell phones. On 10.11.2025, accused returned at 1.30 p.m. At that time, informant received a phone call of her relative and she told about her confinement. Thereafter her husband, brother and police came to the apartment and rescued the informant. FIR was registered. Accused was arrested on 11.11.2025. Since then, he is in custody.

4) State has opposed bail application on various grounds.

5) Learned advocate Mr. Dildar Khan for the applicant has submitted that previous bail application was rejected on 17.12.2025. On 13.02.2026, bail application filed in Hon'ble High Court was withdrawn with liberty to file fresh bail application before this Court. Now investigation is complete and chargesheet is filed. Love affair developed between informant and accused. Informant executed marriage agreement though she is already married. She stayed in the apartment of accused on 9.11.2025. All these facts show that it was consensual affair. There is no corroboration to the incident of

08.11.2025. Statement of cousin of informant is contrary regarding time of phone call niece between her and informant on 10.11.2025. Informant's husband is police personnel. Hence, false implication is possible. Statement of Advocate Joshi is not recorded. So there is nothing to show that Notary Agreement was forcibly executed. Even from investigation papers, case of Live in Relationship appears. Informant is 33 years old. Accused was arrested on 11.11.2025. His cell phone is seized. No obscene video or photographs of informant are found in it. There are no antecedents. Since chargesheet is filed, there is no need of further custody. Applicant is local resident. He is ready to abide by conditions of bail.

6) Learned A.P.P. Mr. R. M. Akotkar has submitted that the offence is serious in nature. Marriage before Notary is not legal. Difference in statements is matter of assessment after recording of evidence. Informant is married woman having two children. Accused deceived the informant and sexually exploited her. Trial is yet to commence. If accused is granted bail, there is likelihood of tampering and absconding. He has strongly opposed the application.

7) There are multiple allegations. No doubt, informant and accused got acquainted and gradually developed love affair. Investigation papers contain statement of accused. It shows that both are married, still they executed agreement for marriage as they wanted to get free from existing marriage. However stand of informant in FIR or her supplementary statement does not show that she wanted to leave her husband and marry the accused. Initially she refused the proposal of accused but after his persistence, she gradually succumbed to his wish. After initial refusal for relationship informant developed

relations with accused.

8) There are two incidents of rape quoted in FIR. It appears that besides two specific instances quoted, accused threatened the informant from time to time to obey his command and she was blackmailed. Second allegation is accused captured her obscene photographs and video clips in his cell phone and he used to threaten her to share with her husband and uploading on social media platforms. Mr. Dildar Khan has submitted that cell phone of accused seized does not contain any such photographs or video clips. Mobile inspection panchanama shows that five nude video clips of women resembling in appearance with informant are found in the video folder of OPPO A17 5G cell phone of accused.

9) Third important allegation is damaging window glass panel and two wheelers of informant and her husband. This incident took place on 08.11.2025. There appears no panchanama regarding damage of vehicles. It is surprising because husband of the informant is in Police Department. FIR shows that at the time of incident dated 08.11.2025 accused ran away when informant's husband came home. Despite damage of vehicles, informant husband did not initiate any action against the accused.

10) On 09.11.2025, accused confined informant in his apartment for one day. There is time difference in FIR and statement of cousin of the informant regarding their phone call. Furthermore in FIR time of the phone call is around 1.30 p.m. Whereas statement of informant recorded under Section 183(5) of BNSS shows the time as 12.30 p.m. From FIR it appears that accused was in the apartment at that time. Statement under Section 183(5) shows that informant told

her cousin that accused locked her and went away. In statement under Section 183(5) informant claims that accused called her at the home of one Hemant Kalantre on first occasion when he raped her and prepared nude video clip. It is also alleged that accused forcibly administered her liquor. Both this vital aspects are not found in FIR.

11) Statement of Notary is not recorded. Mr. Dildar Khan has submitted that marriage agreement shows willingness of both to engage in relationship. There is substance in this submission. Such agreement may not have any legal sanctity to confer marital status on parties but it shows their wish to engage in relationship with each other. Informant is 33 years old. As per her case, she wants to live with her husband. She has two sons. Her husband is Police Head Constable. So it is difficult to accept that the informant succumbed to blackmailing of the accused for one year or more. FIR shows that friendship developed between her and accused. Hence, it is difficult to accept that accused started blackmailing and informant quietly obeyed his command for long duration.

12) Investigation is complete. Chargesheet is filed. Case is committed to this Court. Trial may take long time. There appears no purpose of keeping the accused in custody. Considering aforesaid discussion, this is fit case to grant bail to the accused at this stage. Hence, following order.

ORDER

- (i) Application is allowed.
- (ii) Applicant Yogesh Vijaysingh Aade shall be released on bail in crime no.931/2025 registered with Khadan police station, Akola, Tq. Dist. Akola for the offence punishable under S.64, 77, 127(2), 351(4), 336(3) of Bharatiya

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Nyaya Sanhita, 2023 on his executing PR Bond of ₹50,000/- (Rupees Fifty Thousand only) with one surety in the like amount.

- (iii) Applicant shall not directly or indirectly make any inducement, threat and promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any Police Officer.

Date:- 10.03.2026.

[A. D. Kshirsagar]
Additional Sessions Judge,
Akola

R.S. Shendre (Stenographer Grade-II)