

MHKO010011282026

Cri.Bail.Application No.256/2026

Order below Exh.1



Applicant Pruthviraj Sarjerao Chavan and another are arrayed as accused in C. R. No.128/2026 at Karveer police station, Kolhapur on 05/03/2026 under sections 64, 64(2)(m), 69, 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita and sections 3(1)(r), 3(1)(s), 3(2)(va), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act, 1989) (hereinafter Atrocity Act). The applicant has sought bail on the grounds mentioned in the application.

02. The application is opposed by the prosecution by filing say.

03. Notice was issued to the victim. She opposed the application by submitting affidavit.

04. During the course of argument, learned advocate for the applicant placed on record copy of the judgment in Petition F 70/26 and submitted that on the day of registration of crime against the applicant the victim was not divorcee. Her contention in the F.I.R. that she convinced the applicant that she had taken divorce is false. He further submitted that investigation in the crime is completed. The applicant has roots in the society and he will be readily available during the course of trial.

05. Learned A.P.P. submitted that the applicant has committed serious offence. If he is released on bail, he may threat the

victim.

06. The victim appeared before the Court in person and opposed to release the applicant on bail. She also filed an affidavit in support of her contention.

07. It is the case of the victim in the F.I.R. that she got conversant with the applicant through social media. Friendly relationship developed between them. They used to meet each other. During one meeting at Terrace Grill Hotel she told the applicant that she was married, now she is divorcee and she has one son from her marriage. Their relationship developed in love and the applicant promised her to marry. Physical relationship developed between them. They decided to enter into marital tie and accordingly notice was given to Marriage Registrar, Kolhapur. They decided to perform marriage on 18-02-2026. She found that the applicant started avoiding her phone calls. She went to his home on 12-02-2026 to question him that why he was avoiding her inspite of notice of marriage was given. The applicant said her that she was already married, having a son. He further said her that she belongs to inferior caste and refused to marry her. This prompted the victim to lodge the F.I.R.

08. Though sections 64, 64(2)(m) and 69 of the Bharatiya Nyaya Sanhita are applied in the F.I.R. against the applicant but description in the F.I.R. indicates that prima facie section 69 is only prima facie made out against him.

09. Section 69 of the Bharatiya Nyaya Sanhita is newly introduced section. It says that whoever, by deceitful means or by making promise to marry a woman without any intention of fulfilling

the same, and has sexual intercourse with her such sexual intercourse not amount to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to 10 years and shall also be liable to fine. The words appearing in this section 'deceitful means include false promise of marriage.

10. Marriage petition i.e. Petition F. No.70/26 is between one Rupesh Khandekar and the victim. This petition was filed under section 13-B of the Hindu Marriage Act for consent divorce. This petition was allowed on 16-03-2026. The F.I.R. is filed by the victim on 5-3-2026. Thus, on 5-3-2026 the victim was legally wedded wife of Rupesh Khandekar. The averment of the victim in the F.I.R. that on 30-11-2024 she conveyed to the applicant that she was a divorcee lady appears incorrect because in the marriage petition the date of marriage between the applicant and Rupesh Khandekar is 7-7-2022. Thus, on 30-11-2024 also the victim was not divorcee. The marriage notice was given on 19-01-2026 when the victim's marriage with Rupesh was in existence. The victim certainly knew that marriage between her and the applicant was not possible without divorce between her and Rupesh. Thus, the F.I.R. appears to be based on misinformation given to the police. This makes the applicant entitled to get relief of regular bail with conditions. In the result, following order is passed.

Order

- 1 Application is allowed.
- 2 Applicant be released on bail on his furnishing a personal bond in sum of Rs.25,000/- and solvent surety in the like amount.

- 3 He shall not threat the witnesses and tamper with the prosecution evidence.
- 4 He shall appear before the in-charge Police Station, as and when called for.
- 5 Applicant/accused to comply as per Chapter-I Para 12 of the Criminal Manual.

(D.V.Kashyap)

Date: 10/04/2026

Additional Sessions Judge, Kolhapur.