

MHND080008052025



ORDER BELOW EXH-03 in Sessions Case NO.34/2025
(State of Maharashtra Vs. Kailash)

The present bail application is filed by the applicant under Section 483 of The Bharatiya Nagrik Surakhasha Sanhita, 2023 for regular bail.

2. In short, the prosecution case is that:-

The informant is a widow. Her husband has died in the year 2014 and since then she is residing with her parents. It is alleged that she got acquainted with the applicant on account of Bachat Gat Transactions. It is alleged that the applicant about one year ago asked her to marry to which she refused. It is alleged that thereafter, somewhere in April 2014 the applicant came to her house when nobody was there and established physical relations with her on the pretext of marriage. It is alleged that the applicant used to say that he is having videos of them and if she refuses, he will viral the videos. It is alleged that the applicant used to have physical relations with her. It is alleged that, thereafter, she informed about it to her mother, brother and other relatives. On this sort of report, the crime is registered.

3. The learned APP has filed say overleaf and has resisted

the application.

4. Notice was issued to the informant who has appeared through her learned advocate and has filed say vide Exh.09 and resisted the application.

5. Heard both the sides and the learned advocate for the informant.

6. The sum and substance of the submissions of the learned advocate is that the informant herself says that the alleged physical relations were made in the house of the informant itself. He submitted that the applicant and the informant are residing in the same village. The applicant is married and the informant knows this fact. He submitted that thus the alleged relationship is consensual and there is no force used against the informant.

7. He while referring to the report submitted that it is alleged that since April 2024, there are physical relations, however, no specific date is mentioned. He submitted that previous bail application is rejected on the ground that the investigation is in progress. He submitted that now the investigation is complete and charge-sheet is filed.

8. He submitted that there allegations that the accused has recorded video of the physical relations. He submitted that the

alleged incident has taken place in the house of the informant and there is no possibility that the accused had kept the mobile phone in the house of the informant.

9. He while referring to the statement of witness Sonyabai, submitted that one Muktabai had sent two videos to her and she has forwarded those on mobile of one Narayan Nagorao Bhong. He submitted that mobile phone of the witness Sonyabai is said to be broken by brother of Sonyabai. He submitted that the informant is married woman. Somebody from the village might have recorded their physical relations. He submitted that this possibility is there as the mobile phone of the witness Sonyabai is destroyed by her brother and for that the accused cannot be held liable.

10. He submitted that the accused is arrested on 24-07-2025 and from then onwards he is in custody. He submitted that the accused is ready and willing to abide by the conditions which may be imposed on him and even he is ready and willing not to enter village Kanjala Tq. Loha Dist. Nanded, till conclusion of the trial. The learned advocate for the accused has placed his reliance in the case of **Shubham Ashok Patil Vs. The State of Maharashtra, Bail Application No. 1197/2022 dated 19th August, 2022 by Hon'ble Bombay High Court, Bench at Aurangabad and Shri. Binu Babukuttan Vs. State of Kerala, Bail Application No. 11668/2025 dated 17-09-2025 by the Hon'ble High Court of Kerala.**

11. The learned APP has strongly objected the application. He submitted that the accused initially made contact with the informant, lured her for marriage and on the pretext of marriage, he has established physical relations with her. He submitted that the accused has posted the nude videos of himself and the informant on social media and has defamed the informant. He submitted that the accused and the informant are from the same village and if the accused is released on bail, he may tamper the prosecution evidence.

12. The learned advocate for the informant has supported the submissions of the learned APP. He submitted that the informant is deeply hurt as the videos are made viral. He submitted that the informant is forced to leave her house and reside elsewhere. He submitted that because of the accused, the informant has suffered mental trauma. He submitted that if the accused is released on bail, he will threaten the informant.

13. The informant is a widow. The statements of witness, the report discloses that there were physical relations in between the informant and the accused. There are allegations that the accused promised the informant of marriage. The accused is a married man. The informant and the accused are from the same village.

14. The rulings referred above discloses that if there is

consensual relationship, the accused may be released on bail. In the case of **Shubham** referred above there was apprehension that the accused viral the nude screen shots. Here in this case, there are witnesses stating that the videos of physical relations of the informant and the accused were seen by them on their mobile phones. Thus, on facts the ruling is not applicable to the case in hand.

15. The learned advocate for the informant submitted that the informant is hurt by the act of making viral the videos. Therefore, considering these facts, if the accused is released on bail, he may tamper the prosecution evidence .i.e the witnesses from his village who are material witnesses. Therefore, though the charge-sheet is filed, the accused cannot be released on bail. In the result, following order is passed :-

ORDER

1. Application is rejected.
2. Inform the concerned police station accordingly.

Date : 01.11.2025

(Mandar N. Patil)
Addl. Sessions Judge,
Kandhar.

CERTIFICATE

I affirm that the contents of this PDF file order are same, word to word, as per the original order.

Name of stenographer	Y.S. Kausadikar
Name of Court	Addl. Sessions Court-1, Kandhar
Date of Dictation	01.11.2025
Order signed by the P.O on	01.11.2025
Order uploaded on	01.11.2025

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