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MHNS010001652026

Sessions Case No. No.9 of 2026



Jayesh Rajnikant Joshi Vs. The State

Order Below Exh. 4.

(Passed on 6th April 2026)

01. The applicant Mr. Jayesh Joshi invoked the jurisdiction of Court under section 483 of BNSS, consequent to his arrest at the instance of Panchavati Police Station in connection with Cr. No. 411 of 2025 for the offence punishable u/s. 69, 74, 75(1), 79, 115(2), 351(2), and u/s. 67(1) of Information Technology Act 2000.

02. This is the first bail application post filing the chargesheet. The case of the prosecution reveals that the applicant came in contact with the victim and there are friendly relations between them, which subsequently developed into physical intimacy. It is alleged that the applicant by making false promise to marry. the victim has committed sexual intercourse with her. The FIR reveals at least 2 such incidents where the applicant alleged to have committed sexual intercourse with the victim. He has also allegedly outraged her modesty, committed sexual harassment and voluntarily caused hurt to her.

03. It is further alleged that the applicant posed himself to be in the business of photography, assured victim about his alleged financial well being status, made false promise to marry without intention of fulfilling the same. It is also alleged that he had taken photo and videos showing their close relations and threatened to make it viral by posting it on social media platform like Instagram and Facebook. The applicant also alleged to have obtained substantial amount from victim, from time to time, on one pretext or other.

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04. When the informant felt cheated at the hands of applicant, she refused to marry with her and the applicant out of vengeance. He abuses and threatened to kill her. Hence, the complaint.

05. The bail is prayed mainly on the ground that, both the applicant and victim were consensual relationship with each other. They agreed to marry. However, as the victim developed friendship with some other person, she avoided the applicant and lastly refused to marry with her. To get rid of the applicant, she has filed the false complaint.

06. It is further alleged that to create a false record, the victim had filed several N.C. Cases against him. There is no medical evidence corroborating the allegations of sexual intercourse. False complaint has been filed by misusing the provisions of law. The applicant has no criminal antecedents, he has roots in the society and will not abscond, in the event of release on bail.

07. The respondents state has resisted petition by filing reply at Exh. 6 inter alia contending that the applicant falsely poses himself as a financial well settled person, made false promise to marry with the victim and committed sexual intercourse by employing deceitful means. He has also blackmailed the victim by disseminating her private photographs on social media platform. There are as many as 11 N.C.'s registered against the applicant. In the event of his release, he would tamper with the prosecution evidence and influence witnesses.

08. The victim also filed her reply at Exh. 9 and also opposed the bail application. It is alleged that the applicant had made a false promise to marry her as a fraudulent tool to obtain her sexual consent. He would

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tamper with the evidence, if released on bail. The applicant had disseminated her private photographs on social media platform, causing harm to her reputation. In the event of his release, he would misuse liberty and there is flight-risk. Further, the victim had expressed her safety concerns, considering the vengeful nature of the applicant and pressed to rejection the petition.

09. Having heard Ld. Advocate for the respective parties, it is seen that one of the prime charge levelled against the applicant is section 69 of BNS which is sexual intercourse by employing deceitful means. The prime requirement of sec. 69 is that there must be promise to marry a women, without intention of fulfilling the same and thereby committing the offence of sexual intercourse with the victim. Prior to the registration of present offence, it appears that the applicant and the victim were in consensual relationship and had developed close intimacy. The applicant alleged to have disseminated their private photographs on social media platform, owing to the refusal of victim to marry with her.

10. The Investigation Officer has relied upon the photo copies of the numerous whats-app messages exchanged by the applicant to the victim, clearly suggesting that infact it is the applicant who was desperately insisting to marry with her, but she did not budge to the demand and as a result there was discord between there relationship. Thus prima facie, it appears that there is no evidence to show that the applicant had in fact applied deceitful means and made false promise to marry her without intention to fulfill the same and thereby committed sexual intercourse with her. Therefore, even at this prima facie stage there are no reasonable grounds to believe that the applicant is guilty of the offence of sexual intercourse by employing deceitful means.

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11. The prosecution as well as the victim had expressed concern over the safety of victim in view of the vengeful attitude of the applicant, wherein he had threatened her of a dire consequences. It is apprehended that in the event of release of applicant on bail, he would pose threat to the safety of the victim. The concern of the prosecution can be taken addressed by imposing reasonable restrictions on the liberty of the applicant, while releasing him on bail.

12. It is evident from record that the incident is reported during the period from 2022 to 30/08/2025. The applicant, consequent to his arrest, languishing in jail since 23/11/2025. The investigation is completed, in as much as, the chargesheet has been filed. Therefore, there is no question of tampering with the prosecution evidence. He has fix placed of abode and an old mother to look after. His further detention would rather amount to pre-trial conviction.

13. In view of above application deserves to be allowed in terms of order below.

ORDER

1] The application (Exh.4) in S.C. No. 09/2026 is hereby allowed.

2] Thee applicant namely Jayesh Rajnikant joshi arrested in connection with crime no. 411/2026 registered with Panchavati police station for the offence punishable under sections 64, 74, 75(1), 352, 351(2), 115(2) of BNS and under sec. 67(1) of Information Technology Act, be released on bail on execution of PB and SB of Rs. 50,000/- with one or two solvent surety/ties of like amount, on following conditions -

a) He shall report, Investigating Officer on 1st Monday of every month

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in between 11:00 to 04:00 p.m., till further orders or conclusion of trial, which ever is earlier.

b) He shall not indulge in the similar offences and shall maintain calm and peace.

c) He shall not directly or indirectly make any inducement, threat, 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.

d) He shall not tamper the prosecution witnesses.

e) The applicant shall not tried to contact the victim or her family members in any way, either by himself or through others or by any electronic means.

3) In the event of breach of any of the conditions, as narrated above, without any further order the liberty granted to the above applicant shall stands cancelled.

4) Exh.4 in S.C. No. 09/2026 stands disposed off, accordingly.

Sd/-xxx

(V. V. Kathare)

Additional Sessions Judge,
Nashik.

Date : 06/04/2026