

MHPU010062282026



Order below Exh.01 in Cri. Anticipatory Bail Application
No. 2862/2026

Apprehending the arrest in connection with C.R.No. 195/2026 registered in Kalepadal Police Station under Sec. 69, 351(2), 352 of the Bharatiya Nyaya Sanhita (BNS), the applicant **Manishkumar Pakaram Choudhary** has filed this application for anticipatory bail under Sec. 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). He contends that this is his first bail application and no other bail application is pending in any other Court.

2. The informant is 23 years of age and she developed friendship with the applicant who was her classmate in the year 2023. The applicant proposed her for marriage but the informant postponed it and in the month of April 2025 the applicant maintained physical relations with her in his house when there was no other family member in the house. They thereafter decided to live in relationship and started residing together in the month of June 2025. They continued to have physical relations. In the month of November 2025, the applicant went to his native village in Rajasthan to arrange the marriage of his sister and resided there for considerable time assuring the informant to return to Pune in the month of December 2025. He however did not return and on inquiry with him he told the informant that because of his agricultural work, he is not able to come to Pune. He thereafter

switched off his phone and he could not be contacted. The informant therefore went to his native village and there was some function in his family on that day. She discussed the issue of her marriage with the applicant with him and his family members and the applicant refused to marry her and his family members abused and threatened her by suspecting on her character. She therefore came to Pune and lodged the complaint on 02/05/2026. Based on this complaint the crime was registered and the applicant now apprehends his arrest.

3. The learned advocate for the applicant submits that both the informant and the applicant were major and it is the own contention of the informant that they were in love affair and were living in relationship and maintaining the physical relations. Thus, the alleged physical relations were with consent. The applicant himself was ready to marry the informant and the informant was postponing the marriage. Therefore, the question of having relationship under false promise of marriage does not arise.

4. The learned advocate has relied upon various rulings in support of his contention in **Mahesh Dandane vs State of Maharashtra [2015 ALL MR (Cri.) 2805]** wherein it is held that *every breach of promise to marry cannot be said to be either a cheating or rape. A couple in love with each other may be having sexual relationship and realized that they are not compatible and sometimes love between the parties is lost and their relationship dries gradually, then earlier physical contact cannot be said as rape. A marriage cannot be imposed as a search of life partner depends not only on physical compatibility*

but also on emotional, psychological bonding. It is a matter of choice related to individual's notions of suitability, emotional, psychological comfort and biological requirement. Thus, while granting anticipatory bail, all these factors are required to be considered.

5. In ***Ravish Rana vs State of Uttarakhand [AIR OnLine 2025 SC 441]***. There were similar facts, wherein the informant and the applicant were in relationship for about 2 years. It was held that if two able minded adults reside together as a live in couple for more than a couple of years and cohabit with each other, a presumption would arise that they voluntarily choose that kind of relationship fully aware of consequences. The allegation that such relationship was established because there was a promise of marriage, could not be accepted particularly in the absence of allegation that such physical relationship would not have established had there been no promise of marriage. Thus, the FIR was quashed.

6. ***Nitin Nikhade vs State of Maharashtra [SLP (Cri.) No. 1889/2024, decided on 21/01/2025]*** wherein there was a case of consensual relationship from the beginning it was held that even if the case of prosecutrix is accepted, it does not appear that the initial promise to marry was in bad faith. It was only the subsequent circumstances that prevented fulfillment of alleged false promise to marry. Resultantly, the relationship turned sour which has given rise to the present FIR. Consequently, the criminal proceeding was quashed.

7. In *Samadhan Manmothe vs State of Maharashtra* [AIR OnLine 2025 SC 1099]. There was a proceeding to quash the FIR and the allegations against a practicing advocate that he maintained physical relations with the informant under pretext of marriage. It was found that there was consensual relationship when the marriage of the informant was subsisting. The FIR was quashed holding that the complaint doesn't attract any prima facie offence.

8. The IO has opposed this application by filing say (Exh.5) contending that the medical examination of the applicant is to be carried out. He and his family members are not cooperating in the investigation and if the applicant is released on bail he would pressurize the informant and the witnesses and he will not remain present for the trial. The informant has filed say (Exh. 7) contending that the custodial interrogation of the applicant would be necessary and he would be at flight risk as he is originally from the State of Rajasthan. According to her, the applicant is not entitled to be released on anticipatory bail. Shri Ghogare-Patil, the learned APP submits as per the say of I.O.

9. Having considered the rival submissions and on going through the material placed on record and the rulings cited by the learned advocate for the applicant, it is an admitted fact that the informant and the applicant were living in relationship and having sexual pleasure as per their wish. Both were major. The applicant was insisting for marriage and the informant was avoiding to accede to his request. Under the circumstance, the custodial interrogation for

investigation of such crime would not be necessary. The suitable conditions can be imposed to ensure proper investigation and the arrest of the applicant does not appear to be necessary for the same.

10. Although the applicant is from the State of Rajasthan, suitable conditions can be imposed to bring on record the proof of his permanent address and even his passport can be surrendered before the court if he is having such passport. Under the circumstance, I deem it appropriate to release the applicant on anticipatory bail on certain conditions. Hence, the order.

ORDER

1. Application is allowed.
2. In the event of arrest of applicant **Manishkumar Pakaram Choudhary** in connection with C.R. No. 195/2026 registered in Kalepadal Police Station under Sec. 69, 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023, he be released on bail on his furnishing P.R. of the sum of Rs.30,000/- with one surety of the like amount on following conditions-
 - a) The applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any Police Officer.
 - b) The applicant shall attend Kalepadal Police Station as and when directed by the Investigating Officer in writing till submission of Charge-sheet or final report.
 - c) The applicant shall furnish the proof of his permanent residence and his contact numbers and also the contact numbers of his two near relatives and shall update such information as and when there is any change therein.

- D) The applicant shall surrender his passport if he has such passport.
3. The breach of any of these conditions may entail a ground for cancellation of this bail forthwith.
4. Issue letter to Kalepadal police station accordingly.

Pune

Date: 01/07/2026

(S.R. Salunkhe)

Additional Sessions Judge, Pune.