



**IN THE COURT OF SPECIAL JUDGE
AT PANVEL, DISTRICT- RAIGAD**

CRIMINAL BAIL APPLICATION NO.179/2026

Harsh Vikas Kumar Gupta --- Applicant

Vs.

The State of Maharashtra --- Respondent

Corum - Santosh C. Shinde

Date - 13th March 2026

Appearance-

Ld. advocate Mr. Tanvir Patel for the applicant.

Ld. Addl. P. P Smt. Wade for the State of Maharashtra.

Ld. advocate Mr. Anil Jadhav for intervenor.

Informant in person.

Order Below Exh.1

1. Heard Ld. advocate Mr. Tanvir Patel for applicant, Ld. Addl. P. P Smt. Wade for the State of Maharashtra & Ld. advocate Mr. Anil Jadhav for intervenor.
2. Application is filed for regular bail.
3. Notice was issued to victim, State of Maharashtra & investigation officer. Say is filed at exh.4 and application is strongly objected. Victim has filed her say at Exh.8.
4. Perused FIR, say & documents filed by the parties.

5. FIR is registered by victim. She is working woman. In the month of July 2023 she came in contact with applicant and both becomes friends. Thereafter, their friendship converted in love. In the month of January 2025, applicant had given proposal of marriage but she denied as both were belonging to different castes. Still applicant insisted for marriage and thereafter, committed forcible sexual intercourse with her against her will. Thereafter, on various occasions both met and there was sexual intercourse between them.
6. FIR shows that in the month of March 2025, victim came to know that applicant is in relationship with other ladies therefore, she questioned him and he got annoyed. He said that he will not marry her. That time also he committed forcible sexual intercourse with her and threatened that he will defame her. He also assaulted and abused her therefore, FIR is registered.
7. Ld. advocate for applicant submitted that applicant & victim were in love. Last incident has occurred in the month of March 2025 and FIR is registered in the month of February 2026. Delay is not explained. It is case of breakdown of relationship. It was consensual relationship. Victim is matured lady and has sufficient understanding. Further custody of applicant is not required.
8. In support of arguments, Ld. advocate for applicant has relied upon judgment of Hon'ble Bombay High Court in **Sidhant Anandrao Sonkamble Vs. The State of Maharashtra [A.B.A. No. 170/2022 decided on 28/03/2022]** & **Kunal Shrikant Thakur**

Vs. State of Maharashtra [ABA(ST) No.22985/2024 decided on 31/10/2014]. I have considered these citations while deciding this bail application.

9. Ld. Addl. P. P submitted that applicant on pretext of marriage has committed forcible sexual intercourse with victim. He had given false promise of marriage. Offence is serious in nature. He may threaten the witnesses and tamper the evidence.
10. If facts are considered then it becomes clear that victim & applicant were in relationship since the month of July 2022. First incident of alleged sexual intercourse occurred in the month of January 2025 and thereafter, with regular intervals there was sexual intercourse between both.
11. In the month of March 2025 both had sexual intercourse and it is alleged that victim was assaulted & abused by the applicant when she questioned applicant about his relationship with other ladies. Incident has occurred between 1st January 2025 to 31st March 2025 but FIR is registered after one year. Reason for delay is not mentioned in the FIR.
12. Victim is a working woman & major. Applicant is also major and both know repercussions of their acts & behaviour. Both have admitted that they were in love. Whether victim had given consent or not can be considered at the time of trial.
13. Applicant was arrested on 27th February 2026 and since then he is behind bars. No recovery or discovery is pending. Most of the investigation practically completed. Bail is rule and jail is exception. Object of bail cannot be ignored. Bail cannot be withheld as punishment.

14. It will take time to commence & conclude the trial therefore it would not be proper to keep applicant behind bars for indefinite period otherwise it will amount to pre-trial conviction. Applicant can be released on bail by imposing certain conditions. As a result, I pass the following order.

ORDER

1. Application is allowed.
2. Applicant Harsh Vikas Kumar Gupta be released on furnishing PB & SB of Rs.30,000/- (Rupees Thirty Thousand) with one or two sureties in like amount in crime No.83/2026 registered at Taloja Police Station, Navi Mumbai for offences punishable u/s.69, 352 & 351(2) of the BNS, 2023, if he is not required in any other offence.
3. Applicant by any mode of communication shall not contact to victim or her family members and till further orders, he shall not enter the area where victim & her family members ordinarily reside or works for gain.
4. Applicant shall not, directly & indirectly, make any inducement, threat or promise to any person acquainted with facts & circumstances of case so as to dissuade him from disclosing such facts to the police & Court.
5. Applicant shall not leave India without previous permission of the Trial Court.

6. Applicant shall furnish his permanent & temporary residential proof, valid e-mail ID and mobile number.
7. Registry is directed to inform applicant about this order by e-mail.
8. Bail before Ld. Magistrate.

(Application is disposed of accordingly)

Panvel
Date - 13/03/2026

(Mr. S. C. Shinde)
Special Judge, Panvel,
Dist.-Raigad