



ORDER BELOW EXH No. 1
IN REGULAR BAIL APPLICATION
No. 112/2026

(Abhijit Vijay Kambli v. State)

1. This bail application is filed in Crime No. 141 of 2026 registered at Sawantwadi Police Station for the offence punishable under section 69 of the Bharatiya Nyaya Sanhita, 2023 (the “BNS”).
2. Perused relevant papers from the case file, the contents of the bail application, and the say of the State. The affidavit mandated by the Hon’ble Supreme Court is Exh 11.
3. I have perused the FIR. It is the allegation against the applicant that from the year 2017 till 01.05.2026 he kept physical relations with the informant-victim under the bait of marriage. Hence, the informant lodged the FIR on 01.06.2026.
4. Heard.
5. Ld Advocate for the applicant submits that in the year 2017 the applicant was about 21-22 years old and the victim at that time was more than 18 years old. He submits that the offences registered under the BNS and not under the POCSO Act. He submits that the informant and the accused were in a long love affair. He submits that however during this period the applicant never gave promise of marriage to the victim. He submits that even the parents of the

applicant and the victim knew about the love affair. He submits that the victim never became pregnant which shows that all the physical relations were consensual with necessary precaution. He invited my attention to the aspect of intention mentioned in the provision of section 69 BNS. He submits that no offence is made out against the applicant and that he is ready to stay out of Sawantwadi for the term that may be stipulated by this Court.

6. Ld ADPP submits on the lines of the State Say Exh 7 and police say report Exh 8. Informant's say is Exh 9. I have perused all the say reports. All say reports are praying for rejection of the bail application. The victim has stated through her say that the applicant may pose danger to her life and that she is fearful that the applicant may defame her.
7. My observations are as follows.
8. The victim was not a minor or a child at the time of first incident. Therefore, the element of consent becomes vital in deciding the culpability or non-culpability of the applicant. Moreover, in the BNS there is new offence i.e. rape under the false promise of marriage. However, the ingredient for this offence must be fulfilled i.e. whether the intention to breach the promise was since beginning. That is the aspect of evidence. Prima facie from the contents of the FIR it reveals that there was no forceful physical relation by the applicant. Not only this, the victim herself

states in her FIR that she had once told to the applicant that their marriage is not possible due to some affliction in her horoscope. Moreover, the contents of the FIR show that the victim continued relation with the applicant even when intermittently the applicant was expressing his inability of marriage. No doubt, these are not final conclusions. These are of the prima facie observations. However, when it comes to liberty of an accused, the prima facie nature of the case assumes importance.

9. In the present case, in my opinion, considering the course of events since the year 2017 and the long standing love affair between the applicant and the victim and the aspect of non-forceful physical relation, the appellant can be released on bail on certain conditions including the condition of restriction on access to the informant's local area.
10. The investigation shall take some time to complete. The trial thereafter shall take some time to start and complete. Keeping in view various observations and directions of the Hon'ble Supreme Court in ***Satender Kumar Antil v. CBI***¹ I have come to the conclusion that no purpose would be served by keeping the applicant behind the bar. Bail is a rule and jail is an exception. Presumption of innocence prevails. Detention in jail pending the trial against the accused may result in pre-conviction punishment.
11. It is made clear, if there is any convincing adverse reporting

1 2022 SCC OnLine SC 825 Dtd. 11/7/2022

against the applicant/s from the informant or the IO regarding violation of bail condition/s, this bail order shall be liable to be cancelled.

12. Resultantly, I pass the following Order.

O R D E R

1. The application is allowed.
2. The applicant Abhijit Vijay Kambli arrested in Crime No. 141 of 2026 registered at Sawantwadi Police Station for the offence punishable under section 69 of the Bharatiya Nyaya Sanhita, 2023 (the “BNS”), be released on executing a PR Bond in the sum of ₹15,000/- (Rupees Fifteen Thousand only) and furnishing surety bond in the equal amount of one local solvent surety.
3. The applicant shall attend the concerned Police Station on every Tuesday at 11:00 am, and shall co-operate with the Investigating Officer.
4. The applicant shall furnish his mobile number and his address. Applicant shall notify promptly if there is any change in the mobile number or his address.
5. The applicant shall not travel beyond the state of Maharashtra without prior

permission of this court or of the court where his trial shall be pending.

6. The applicant shall not enter the village Sateli and the local area/village where the victim takes education or works.
7. The applicant shall not, directly or indirectly, make any inducement, threat or promise to the victim or any witnesses or any person acquainted with the facts of the accusation against him so as to dissuade them from disclosing such facts to the Court or to any Police Officer or shall not tamper with evidence.
8. The applicant shall not commit similar offence in future with which he is booked.
9. The applicant shall surrender original passport, if any, to the concerned Police Station.
10. The applicant shall not leave India without prior permission of the Court.
11. Bail before the Court where the remand/case file is pending.

Place: Sindhudurg at Oros
Date: 18.06.2026

(Dr Sudhiir M Deshpande)
Sessions Judge
Sindhudurg at Oros

All concerned to act upon digitally signed uploaded copy of this order, the printout of which can be verified from the official website of this court. In this regard attention of all concerned is invited to the authority of the Hon'ble High Court of Bombay (Bench at Aurangabad) ***Shital Krushna Dhake v. Krushna Dhake***, MANU/MH0285/2018.