

Cril. Bail Appln. No.61/2026  
Himalay Thakare ..Vs.. State.  
(CNR No.MHYA010005842026)

**ORAL ORDER BELOW EXH. 1**

1. This is an application for bail under section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in Crime No.155/2026, registered with Yavatmal Rural Police Station, Dist. Yavatmal for the offences punishable under sections 69 of the Bharatiya Nyaya Sanhita, 2023.

2. Heard the learned counsel for the applicant and the learned P.P. for the State. Perused the record.

3. It is submitted by the learned counsel for the applicant that the victim is major. Love affair continued for over one year. There is the delay of more than 15 days in the lodging of the FIR. The relationship was consensual. He relied upon the following authorities :-

i] Order dated 20<sup>th</sup> January, 2025, passed in Criminal Appeal No(s). \_\_\_\_\_ of 2025 (Arising out of SLP (Cri.) No. 12663/2022), Prithvirajan ..Vs.. The State, Rep. By the Inspector of Police and another, by the Hon'ble Supreme Court, wherein the initial promise to marry did not appear to be false, due to which, the FIR was quashed.

- ii] **Order dated 14<sup>th</sup> July, 2022, passed in Criminal Appeal No. 962 of 2022, Ansar Mohammad ..Vs.. The State of Rajasthan and another, by the Hon'ble Supreme Court, wherein the relationship lasted for four years, due to which, bail was granted.**
  
- iii] **In Re : Gopi Krishan Dixitt, C.R.M. (A) 4666 of 2024, wherein the alleged deception was the concealment of the marital status, due to which, bail was granted.**
  
- iv] **Order dated 21<sup>st</sup> August, 2019, passed in Criminal Appeal No. 1165 of 2019, Pramod Suryabhan Pawar ..Vs.. The State of Maharashtra and another, by the Hon'ble Supreme Court, wherein the promise was not found to be false, due to which, no offence was found to be made out.**
  
- v] **Mahesh Balkrishna Dandane ..Vs.. The State of Maharashtra, 2015 ALL MR (Cri) 2805, wherein it was observed that every breach of promise to marry cannot amount to rape.**

4. *Per contra*, it is submitted by the learned PP that the promise was given to satisfy lust. It was a fake promise, as the applicant refused to marry the victim. Investigation is in progress. There is danger to the life of the victim. The medical examination of the victim supports the contention of the State.

5. The allegations in the FIR are to the extent that there was love affair between the applicant and the victim for one year. The applicant had forcible sexual intercourse with the victim, by promising to marry her. The sexual relationship continued under the said promise for one year. Upon the request from the victim for marriage, the applicant refused to marry her.

6. Considering the allegations, it *prima facie* appears that the applicant did not intend to marry the victim since beginning. In the light thereof, the authorities pressed into service are not helpful to the applicant. The offence is serious in nature. Investigation is in progress. Hence, the applicant does not deserve to be enlarged on bail, due to which, I proceed to pass the following order.

### **ORDER**

The application is hereby rejected.

Date: 18/03/2026  
Place: Yavatmal.

(S.U. Baghele)  
Additional Sessions Judge,  
Yavatmal.