



4. In the above backdrop, learned counsel for accused/applicant

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contends that it is a clear case of consensual relations between the accused/applicant and the prosecutrix. It is explained that the prosecutrix has falsely implicated the accused/applicant in this case because the accused/applicant had started insisting the prosecutrix to pay back the loan taken by her from him. Learned counsel for accused/applicant has also taken me through the screenshot printouts of text chats exchanged between the prosecutrix and wife of the accused/applicant, which according to him clearly shows that the prosecutrix falsely booked the accused/applicant.

5. Learned APP, on instructions of the Investigating Officer, submits that in the said Mahipalpur hotel, the accused/applicant presented a fake identity card of some other lady and the prosecutrix impersonated as that lady in the hotel according to the investigation. It is also submitted by learned APP that a married man entering into sexual relations with an unmarried lady, is in itself unpardonable.

6. Learned counsel for prosecutrix submits that the very first sentence of the FIR clearly shows that it was a case of fraud, where on false assurance to get married, the accused/applicant made the prosecutrix agree for sexual relations. It is also submitted by learned counsel for prosecutrix that grant of bail to the accused/applicant would harm the prosecutrix as he would threaten her.

7. Of course, the offence alleged against the accused/applicant is

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extremely serious, in the sense that no man can be allowed to make any lady agree for sexual relations on the false assurance to get married. But the question also to be examined by the court is as to whether the consensual sexual relations between two adults were purely consensual or the same were induced by misrepresentation to get married. The court also has to be cautious and examine in deep as to whether what was purely consensual sexual relation is being given colour of criminality by adding the allegation of assurance to get married. Going by the very nature of the alleged offence, the court has to read between the lines to ascertain as to whether the consensual sexual relations were tainted with a false assurance to get married. It is only such tainted consensual sexual relation which is an offence and not merely a consensual sexual relation. So far as the argument of learned prosecutor that a married man getting sexually involved outside his marriage is unpardonable, the same would be in the domain of morality or at the most a matrimonial wrong, but the same has to be understood to be distinct from an offence.

8. In the present case, as mentioned above, the prosecutrix is a grown up and working lady, obviously not so gullible that she would get carried away on the alleged assurance, that too repeatedly and even after coming to know that the accused/applicant was a married man with two children.

8.1 It would be significant to take a note of the timeline in this case. As per prosecution case, the prosecutrix met the accused/applicant in the month

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of December 2023, and in April 2024 she entered into sexual relations with the accused/applicant. It is difficult to believe that despite being colleagues for more than four months, the prosecutrix would not get to know the marital status of the accused/applicant.

8.2 But assuming it to be so, as per prosecution case (*reference: grounds of arrest*), according to the prosecutrix, it is in October 2024 that she came to know that the accused/applicant was already married and had two children. But despite that, even thereafter the prosecutrix stayed with the accused/applicant at the hotel in Mahipalpur as many as 11 times and even underwent abortion twice.

8.3 On this aspect, learned APP submits that even in October 2024, the accused/applicant represented that he had already initiated divorce proceedings against his wife. But even if that be so, it fails to convince that having realized in October 2024 that the accused/applicant had been falsely representing himself as unmarried and assuring to get married with her, she would again believe that the divorce proceedings are pending. Not just this, there is no explanation as to why the prosecutrix even at that stage would not call upon the accused/applicant to show the documentary record of the said divorce proceedings but would again continue the relation for such a long period of time till May 2026, when she lodges the FIR.

9. Further, going by the prosecution case that on the first visit to that

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Mahipalpur hotel, the accused/applicant presented a fake identity card and the prosecutrix herself falsely represented as that fake identity, one fails to understand as to why the prosecutrix would not smell foul that if the accused/applicant intends to get married, why he would present fake identity and ask her also to misrepresent herself. At this stage, learned APP submits that since the prosecutrix was not carrying her identity card, the accused/applicant took out the fake identity card of a lady from his mobile phone and at his instance, the prosecutrix misrepresented herself as that lady; and that the accused/applicant asked the prosecutrix to memorize the particulars from that fake identity card and represent herself as that lady. Even that does not answer as to why the prosecutrix would not feel suspicious about motives of the accused/applicant and would rather join hands with him in misrepresenting herself.

10. Furthermore, I have also gone through the screenshot printouts of text chats between the prosecutrix and the wife of the accused/applicant, which are annexed as Annexure A-2 to the bail application. Those chats pertain to the month of March 2026, in which chats the prosecutrix is threatening the wife of the accused/applicant. Despite that situation, the FIR is lodged in the month of May 2026.

11. In view of above circumstances, I am of the *prima facie* view that the sexual relations between the accused/applicant and the prosecutrix were consensual relations and not tainted with any false assurance to get married

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12. However, these observations have been recorded only for the limited purposes of deciding this bail application and dealing with the arguments advanced by both sides. The learned trial court shall form an independent view at the time of culmination of trial on the basis of evidence adduced by both sides.

13. The accused/applicant is in jail since 15.05.2026 and chargesheet has already been filed. As regards apprehension expressed by learned counsel for prosecutrix, it is made clear that the accused/applicant shall not try to contact any of the prosecution witnesses in any manner whatsoever, otherwise appropriate action in accordance with law shall be taken. At this stage, learned APP also submits that the Investigating Officer shall carry out further investigation as regards the above mentioned impersonation allegedly committed by the prosecutrix and the accused/applicant. As and when the same is done, the appropriate proceedings shall be initiated by the person concerned.

14. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the Trial Court.

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15. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

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(JUDGE)**

AUGUST 18, 2026/ry