

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.3500 OF 2025

Rakesh Raghvendra Devadiga

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr. Aniket Vagal a/w Ms. Savvy Kolhekar & Adv. Juhi Kadu, for the Applicant.

Mr. H. J. Dedhia, APP for the Respondent No.1-State.

Ms. Keral Mehta, for the Respondent No.2.

API – P.B. Bakale, Khadkpada Police Station, Kalyan, present.

CORAM: SHYAM C. CHANDAK, J.

DATED : 25th AUGUST, 2026

P.C. :-

1. Heard learned Counsel for the parties. Perused the record.
2. The applicant seeks his release on bail in connection with Cr. No.290 of 2025, registered with Khadakpada Police Station, Thane City, for the offence punishable under Sections 64, 123, 308 (2), 308 (3) and 351 (2) of the Bharatiya Nyaya Sanhita, 2023 (“BNS”), on the report dated 7th April, 2025 filed by Respondent No.2.
3. Mr. Vagal, learned Counsel for the applicant submitted that the narration in the report and the material on record including the WhatsApp chats collected during the investigation and further investigation clearly show that the relationship between the parties was consensual in nature. The delay in filing the report fortifies the said fact. No obscene video or photo is found in the mobile phone of the applicant during the forensic examination. There is no evidence that certain amount was given by the victim to the applicant and that any threat was made to make public the video of the victim. Till date, no final opinion is given by the

medical officer as to whether the victim was sexually assaulted or not. Therefore, there is no *prima facie* case against the applicant of having committed the alleged offence. Additionally, he has submitted that since the testimony of the victim is over, there is no possibility of the applicant tampering with the material evidence. Therefore, he urged to release the applicant on bail.

4. In response, Mr. Dedhia, learned APP and Ms. Mehta, learned Counsel for Respondent No.2-victim have submitted that there is a *prima facie* case against the applicant that by administering some stupefying substance, the applicant committed rape on the victim. They submitted that the applicant had recorded the video of the said act. The applicant extorted certain money from the victim by threatening that otherwise he will make that video public. Therefore, there is a *prima facie* case against the applicant of having committed a serious offence.

5. I have considered these submissions in the light of the material on record. The FIR, statement of witnesses and the WhatsApp chats between the applicant and the victim show that, in the year 2021, the applicant was working as a security guard in the society where the victim has been residing. In the year 2022, the victim gave Rs.30,000/- to the applicant, at his request, for his sister's medical treatment. Thereafter, the victim demanded her money back, but, the applicant used to avoid to repay. After two years, the applicant sent a message to the victim that he got some employment in Bangalore. At that time also he did not repay the money giving an excuse that he had no money.

The record indicate that on 18.02.2025, at about 11.30 a.m., the applicant met the victim in her society and took her to his bike on the pretext that he had kept the money in the dicky of his

scooter/two-wheelers. Further, he insisted the victim to come to his place. Therefore, the victim went to his place. It is alleged that, the applicant then served the victim a glass of water mixed with stupefying substance. After drinking the water, the victim lost her consciousness and, after about 45 minutes, when she regained consciousness, she found that her clothes were in disorderly manner and she was raped. At that time, the applicant told her that he has recorded a video of the said act and, if she would complain, he would make that video viral. It is alleged that after two days the Applicant called the victim and demanded Rs.10,00,000/- as ransom, and threatened that, otherwise, he would send the video to her family members. Consequently, the victim sold her two bangles of gold and gave Rs.1,50,000/- to the applicant. She also sold her son's gold chain and pendant in February, 2025 and gave the sale proceeds thereof to the applicant. On 03.03.2025, she gave Rs.50,000/- to the applicant. Thereafter also she sold some other gold items and paid him certain money. On 06.04.2025, the applicant again called her on WhatsApp and demanded Rs.50,000/-. Therefore, she informed the aforesaid incident to her husband. In this background the victim filed the report.

6. However, considering the material on record and the photos, it appears that there was closeness between victim and the applicant and it was consensual. Yet, the narration in the report and the WhatsApp messages prima facie indicate that there was some video with the applicant and there was demand of money in relation to that video. Said video is not recovered.

Be that as it may. It is undisputed that the matter before the trial Court is part heard. Mr. Dedhia, the learned APP, on

instructions, stated that the prosecution will examine the remaining witnesses within 2 to 3 months and conclude the trial. Therefore and, considering the matter as a whole, at this stage, I do not deem it appropriate to record any opinion as to the material on record either to grant or reject the prayer for bail. Instead, the trial Court may be requested to expedite the disposal of the case which would certainly meet the ends of justice. The Application is liable to be disposed of, accordingly.

7. Bail Application is disposed of.

7.1 The trial Court is requested to expedite the hearing of the case and make an endeavour to dispose of the same within three months from 25.08.2026. Both the parties shall co-operate for the expeditious disposal of the case.

7.2 If the trial is not concluded within three months, the applicant will be at liberty to renew his prayer for bail before this Court.

7.3 Bail Application is disposed of in aforesaid terms.

7.4 It is clarified that the aforesaid observations are limited to determination of the question of bail in this Application. The trial Court to decide the case on its own merits without getting influence by any of the observations above.

(SHYAM C. CHANDAK, J.)

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