

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.1038 OF 2021

(Shubham s/o Adhnyansing Bramhan Vs. The State of Maharashtra thr. PSO PS
Washim (City), Tah. & Dist. Washim)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Tejas Deshpande, Advocate with Mr. Alpesh Deshmukh, Advocate for
Applicant.

Mr. N. R. Rode, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 11th OCTOBER, 2021.

The applicant is seeking bail in connection with Crime 1239/2021 registered with Police Station Washim City, District Washim for offences punishable under sections 376 (2)(n), 384, 307, 323 and 506 of the Indian Penal Code.

2. The gist of the accusations levelled by Mrs. 'V' in the report dated 30.08.2021 is that 2½ to 3 years prior to the lodging of report, the applicant befriended her on social media. The applicant and the complainant started meeting each other. During one such meeting, the applicant offered *Pedha* (sweet) to the complainant who fell unconscious after consuming the same. It is alleged that the applicant sexually assaulted the complainant while she was unconscious and clicked obscene photographs. It is further alleged that the complainant was threatened that if the incident is disclosed

the obscene photograph will be made viral. According to the complainant, using such threat as leverage, she was forced to submit to the sexual demand of the applicant. She was also forced to handover certain amount to the complainant and was physically assaulted.

3. I have perused the material in the case diary. I am refraining from making any definite observation on the veracity of the complaint. However, *prima facie*, the version of the complainant shall have to be tested with caution. In my considered view, the possibility that a relationship has gone sour and the accusations stem from the estrangement, is a real possibility. That apart, I have come across a statement signed by the complainant dated 20.09.2021 which is available in the case diary in which she has said that she is withdrawing the complaint and has tendered at the police station an appropriate affidavit which she has signed and affirmed.

4. Even *de hors* the statement referred to *supra*, considering the material in the case diary, the applicant is entitled to bail, particularly since he has no criminal antecedents and is not a flight risk.

5. The application is allowed.

6. The applicant shall be released on bail on executing personal bond of Rs.25,000/- (Rupees Twenty Five Thousand) with a solvent surety of like amount.

7. The applicant shall not make any attempt to tamper with the evidence or to influence witnesses, directly or indirectly.

8. The applicant shall not leave the country without the permission of the trial Court.

JUDGE

NSN