

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

931 BAIL APPLICATION NO.216 OF 2022

Maharudra Machindra Sangle
Age: 31 years, Occu.: Private Job,
R/o. Samruddhi Residency,
Unit 305, Aslali Road, Narol,
Ahmadabad, Gujarat.

..Applicant

VERSUS

The State of Maharashtra.

..Respondent

...
Advocate for Applicant : Shri Somnath G. Ladda
APP for Respondent : Shri A.V.Deshmukh

...
CORAM : M.G.SEWLIKAR, J.

DATE: 31st March, 2022

PER COURT :-

1. By this application, applicant is seeking his enlargement on bail in connection with Crime No.0695 of 2021, registered with Kadim Jalna Police Station, District Jalna, under Sections 376, 506 of the Indian Penal Code and under Sections 66(e), 67(a) of the Information Technology Act.

2. Facts leading to this application are that the informant is a married woman running a Beauty Parlour. The informant got acquainted with the applicant through social media WhatsApp. Thereafter, they started texting messages to each other. Thereafter, they started chatting. In the month of January, 2019,

applicant called the informant to Ahmedabad (Gujrat) as informant wanted to purchase some material for her Beauty Parlour business. However, applicant did not take her to his house but took her to Surabhi Lodge in C.T.M. area. According to the informant, the applicant clicked photographs of the informant in indecent position. He established physical relations with the informant by putting her under fear of making the photographs viral. She did not share this incident with anyone for the fear of ignominy. Applicant had called her to Ahmedabad 4 to 5 times and every time he had committed sexual assault on her in Surabhi Lodge. On 12th June, 2021, applicant called the informant to Ahmedabad and again committed sexual assault on her in Surabhi Lodge. The informant was fed-up of the sexual assault and the fear of photographs being made viral. She cautioned the applicant that she would disclose these incidents to her husband. The applicant made her photographs viral by sending it to the husband of the informant and her relatives. On these allegations, FIR came to be lodged on the basis of which crime under the aforesaid Sections came to be registered.

3. Heard Shri S.G.Ladda, learned counsel for the applicant and Shri A.V.Deshmukh, learned APP for the respondent-State.

4. Shri Ladda, learned counsel for the applicant submits that

from the tenor of the FIR, it can be made out that the alleged physical relations were consensual relations. He further submits that the informant has alleged in the FIR that the indecent photographs were circulated by the applicant to the husband and to the relatives of the informant. However, neither the husband nor the relatives of the informant produced any such photographs.

5. Shri Deshmukh, learned APP for the respondent submits that mobile handset of the applicant has been seized and it has been forwarded to the Forensic Science Laboratory (FSL) for the analysis and the report. He submits that there are statements of witnesses and of the husband to the effect that they had received such photographs.

6. Whether relations between the applicant and informant were consensual or not is a matter to be determined during trial. At this stage, there is no evidence to show that the applicant had made the indecent photographs of the informant viral and had circulated those photographs to the husband and to the relatives of the informant. If the report of the FSL is positive, the State can apply for cancellation of bail. Liberty of the applicant cannot be curtailed for an indefinite period without there being any evidence of photographs being made viral. In this view of the

matter, I am inclined to release the applicant on bail. Hence, the order :-

ORDER

- i) Bail Application is allowed.
- ii) Applicant be released on P.R.Bond of Rs.25,000/- (Rs. Twenty-five thousand only) with one solvent surety in the like amount, in connection Crime No.0695 of 2021, registered with Kadim Jalna Police Station, District Jalna, under Sections 376, 506 of the Indian Penal Code and under Sections 66(e), 67(a) of the Information Technology Act, and on condition that he shall not keep any contact with the informant and shall not tamper the prosecution evidence. If the report of the FSL is positive, the State is at liberty to move the trial Court for cancellation of bail.
- iii) Bail Application is disposed of.
- iv) It is clarified that the observations made in this order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

**(M.G.SEWLIKAR)
JUDGE**