

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

BAIL APPLICATION NO. 4362 OF 2021

Dr. Pavansoni Padamsingh Verma	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Sudeep Pasbola i/b. Ms. Tripti R. Shetty for the Applicant.
Mr. M.G. Patil, APP for the State.
Mr. Nitin Khade, API, Rabale MIDC Police Station, Navi Mumbai.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 14th MARCH, 2022.

P. C. :-

. This is an Application for bail under section 439 of Cr.PC. filed by the aforesaid Applicant who is arrested in C.R.No.I-107/2021 registered with Rabale M.I.D.C. Police Station, Navi Mumbai for offences punishable under sections 323, 376, 377, 406, 504, 506 of the Indian Penal Code and section 66(e) of Information Technology Act, 2000.

2. Heard Mr. Sudeep Pasbola, learned counsel for the Applicant and Mr. M.G. Patil, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered against the Applicant in view of the first information report dated 17/04/2021 lodged by the prosecutrix. It was alleged that the prosecutrix is engaged in the garment business and she was looking for someone in digital marketing, who could help her in promoting online garment business. She came in contact with the Applicant who was her college professor. He assured to help by introducing her to various persons in digital marketing.

4. The prosecutrix has alleged that the Applicant helped her in the business and they were in constant touch with each other. She has stated that in the course of conversation, she told the Applicant that she was in need of models and that the Applicant had told her to come to Mumbai since he knew several photo shoot agencies who could help her out. He also assured a meeting with flipkart officials. When she came to Mumbai, the Applicant told her that he was having chest pain. They took a cab and went to a hotel Country Inn at Navi Mumbai. The prosecutrix claims that on the same night, the Applicant raped her and also subjected her to carnal intercourse. When she threatened to lodge a complaint, the Applicant showed her a video recorded by him while she was subjected to rape. She states that the Applicant had extorted

money from her and had physical relationship with her several times till 09/01/2020 by blackmailing her that he would make the video viral. The prosecutrix therefore lodged a complaint against the Applicant on 14/03/2021 before Delhi Police Station which came to be transferred to Rabale Police Station on 17/04/2021.

5. The prosecutrix is a married woman. She was referred to medical examination. The medical report indicates that there is no evidence of injuries on the genitals or anus. It is to be noted that the prosecutrix was allegedly raped for the first time on 24/08/2016. The first information report was lodged on 14/03/2021. There is considerable delay in lodging the first information report. Though the prosecutrix has alleged that the Applicant had recorded a video clip and had sexual relationship with her under the threat of making the video viral, the panchanama under which the laptop was seized indicates that no such obscene material was found. It is stated that the laptop is sent for CFSL, Kalina for forensic analysis and that the report is not yet received. Hence, prima facie, there is no material on record to prove that the Applicant had recorded a video of the prosecutrix and had threatened her by making it viral. The Applicant is in custody since 15/10/2021. Investigation is completed and charge sheet has

been filed.

6. Considering the above facts and circumstances, in my considered view, this is a fit case for grant of bail. Hence, the Bail Application is allowed on following terms and conditions :-

(a) The Applicant is ordered to be released on cash bail in the sum of Rs.15,000/- (Rupees Fifteen Thousand) for a period of two weeks ;

(b) The Applicant shall, within the said period of two weeks, furnish PR. Bonds in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one or two sureties in the like amount ;

(c) The Applicant shall report to Rabale MIDC Police Station, Navi Mumbai once in a month on every 1st Saturday between 11.00 a.m. to 01.00 p.m. until further orders;

(d) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(e) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.

(f) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

7. Bail Application stands disposed of in above terms.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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PREETI H JAYANI
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