

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

BAIL APPLICATION NO.44 OF 2023

**SANTOSH RAGHUNATH SABLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mr. S. J. Salunke
APP for Respondent No.1: Mr. S. P. Deshmukh
Advocate for Respondent No.2 : Mr. Shardul Shinde h/f
Mr. A. K. Bhosale

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CORAM : S. G. MEHARE, J.

DATE : 23.02.2023

PER COURT :

1. Heard the learned counsel for the applicant, the learned A.P.P. for the respondent/State and the learned counsel for the respondent No.2/victim.

2. The applicant has been arraigned as an accused for the offences punishable under Sections 376, 376(2)(n), 354-A, 354C, 354D, 387, 400, 501, 506, 507 of the Indian Penal Code and Section 67(A) of Information Technology Act, 2000 and under Sections 3, 4, 8 of the Protection of Children from Sexual Offences Act 2012, in Crime No. 175 of 2022 registered with Police Station Beed (City).

3. The complainant and the accused had love relationship. However, the victim got married. Thereafter, the applicant called her and asked her for sex. She tried to convince the applicant that she is married, therefore, cannot keep relationship with him. Thereafter, the applicant took away his weapon of video of his sex with her. It has also been alleged that when the victim asked him to delete video, he demanded her Rs. 5,00,000/-. It has also been alleged that he sent video of their sex to the relatives of the victims.

4. The learned counsel for the applicant has argued that the husband of the victim was drunkard. Hence, she was willing to have a sex with the applicant. He never misused so called video and never made it viral. The victim was insisting him to have a sex, but he could not entertain her, therefore, she levelled the false allegations.

5. Per contra, the learned A.P.P and learned counsel representing the victim have vehemently argued that the allegations that the applicant used the video as a weapon to blackmail her. It is corroborated with such videograph found in the Mobile handset of the applicant. The victim has no reason to force him. However, when the victim refused to entertain him, he used the WhatsApp video as a weapon and blackmailed her and lastly, her husband learnt about it. In

such way, victim's life has been spoiled.

6. From the record, it is clear that the applicant had some ill intention in recording the video of their sex and it was abnormal behaviour. In normal course, the couple/lover has no reason to record their sex. This *WhatsApp* video itself corroborates the contention of the victim that the applicant blackmailed her. The conduct of the applicant is apparently motivated. The possibility of threatening and tampering with the prosecution witnesses, cannot be ruled out. *Prima facie* material is available against the applicant. The circumstances does not permit to grant him bail. Hence, the application stands dismissed.

(S. G. MEHARE)
JUDGE

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