

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

CRIMINAL BAIL APPLICATION NO. 2483 OF 2022

Dr. Sandeep Dharamvir Suhag
Age : 42 Years, Occupation : Service,
Permanent R/at : 702, Chaurang-
Heights, Sec. 13, Kharghar,
Navi Mumbai, District : Raigad ...Applicant

vs.

State of Maharashtra
[At the instance of Nerul Police Station] ...Respondent

Mr.Niranjan Mundargi a/w Mr.Rohan Hogle – Advocates for
Applicant.
Mr.Y.Y.Dabke – APP for the Respondent-State.
Mr.Ganesh Kanade–API-Nerul Police Station–Navi Mumbai.

CORAM : S. M. MODAK, J.

DATE : 21st APRIL, 2023

P. C. :-

1. Heard learned Advocate Shri.Niranjan Mundargi for the Applicant and learned APP Shri.Y.Y.Dabke for the Respondent-State.
2. After hearing them, what I find is that there are two facets to the issue involved. One is the allegation made in the FIR by the First-Informant against the present Applicant. No doubt, the allegations

are serious. It is also important to note that both were working in the same university i.e. Dr. D. Y. Patil Deemed University at Nerul – Navi Mumbai. The Applicant was working as a Registrar whereas the First-Informant worked there as an Admission Councillor on contract basis. So, as such the Applicant was having permanent job there wherein the First-Informant worked there on contract basis. Why I have said this because ultimately, these factors are also important when a woman staff is making allegations of sexual harassment against the Applicant who was holding higher post in that institution.

3. Another facet is that her own husband Tukaram Gaieengade has made allegation of illicit relationship with one Sandeep Desai and Marriage Petition for dissolution of marriage is filed by him before the Court of Civil Judge, Senior Division, Gadhinglaj – Kolhapur. This fact is also important particularly in view of the contention raised that after the three incidents, the First-Informant has not raised any grievance / protest till the time she lodged the complaint with the Chancellor firstly, on 3rd December, 2021 (Page No.137) and secondly on 10th December, 2021 (Page No.148). The second complaint is elaborate. On the basis of these complaints, the

Management of the University started an enquiry and the Applicant was suspended. Because, he has not participated in the preliminary enquiry. The Applicant lodged complaint with Nerul Police Station on 17th December, 2021. An offence is registered vide Sections 376, 377, 354, 354(a), 354(b) and 354(d) of Indian Penal Code, 1860[“IPC”]. Now, the charge-sheet is also filed for the offences punishable under Sections 376, 377, 354, 354(a), 354(b) and 354(d) of IPC.

4. With the assistance of both the sides, I have perused the allegations in the FIR. Mainly there are three incidents. The first is of 26th September, 2021 when the First-Informant was called in Star hotel at Belapur under the pretext of knowing the case of divorce which is going on. Even in the hotel, the Applicant booked room under the pretext of examining the papers. The Applicant had given his name whereas he told the name of the Complainant as Anjana Kulkarni. As the hotel management was knowing the Applicant as working in Dr.D.Y.Patil University, room was booked without identification proof of the First-Informant. The relevant statements are there on Page No.87 and 88. It is in this room, the Applicant ravished the First-Informant.

5. Other two incidents which are not of a similar kind but took place in the month of October-2021 and on 1st December, 2021. The incident of October-2021 took place in wash-room in the college whereas, the incident of 1st December, 2021 took place in the car driven by the First-Informant. In both these incidents, the Applicant sexually harassed and abused the First-Informant.

6. In the incident of 1st December, 2021, the First-Informant got recorded the conversation with the help of a mobile handset. She has taken help of one Sandeep Desai for installing one app. His statement is on Page No.80. There is a panchanama carried out about the seizure of a pen drive of that auto version. The interaction which is in vulgar language was recorded in that pen drive. The panchanama is on Page No.51.

7. There is a statement recorded of the Chancellor on Page No.82. The First-Informant has complained to her in writing on 3rd December, 2021 and on 10th December, 2021. She has also said about suspending the Applicant due to his non participation in the preliminary enquiry.

8. On this background, learned APP submitted that the allegations are serious and person holding higher post on

administration side, have gone to the extent of ravishing the First-Informant and she was helpless lady who was working on a contract basis and she had no alternative but to succumb to this sexual abuse and harassment. According to him, such incidents are sending wrong message in the society and it has tarnished the image of the University.

9. Whereas, according to learned Advocate Shri.Mundargi, without admitting, it can be said to be a case of consensual relationship. According to him, there was ample opportunity available to the First-Informant to protest those incidents. There is time gap in between all these incidents. He also invited my attention to the allegations made by the husband of the First-Informant in the Marriage Petition against this First-Informant and Sandeep Desai.

10. As said above, there are two aspects. There is other likelihood that the Applicant holding important post, the First-Informant was having a pressure to give up with grievance against the Applicant. There is another angle that even though asked by the Chancellor at the first instance, she has not narrated the story as stated in the FIR which consists of the first serious incident. Apart from that, she is facing with the allegations in the Marriage Petition.

11. From the above, it can be said that she is not averse to all these allegations and incidents. These are my prima facie observations.

12. So, considering the above no purpose will be served by keeping the Applicant behind bar. One does not know when the trial will commence. If the Applicant is detained behind bar, it will be nothing but asking him to undergo pretrial punishment. So, subject to conditions, he is entitled for bail. Hence, following order :-

O R D E R

- (i) Application is allowed.
- (ii) Applicant – Dr. Sandeep Dharamvir Suhag be released on bail in connection with C.R. No. 467 of 2021 registered with Nerul Police Station – Navi Mumbai on furnishing personal bond and surety bond of Rs.50,000/-.
- (iii) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
- (iv) Applicant to give attendance to Nerul Police Station – Navi Mumbai on third Friday and every Monday from 10.00 to 12.00 noon for one year.
- (v) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after hearing.

13. As the Applicant and the First-Informant is not residing in that area and her native place is at Kolhapur, condition not to enter in

that area is not imposed.

14. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

15. Application is disposed of in the aforesaid terms.

16. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]