



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3567 OF 2023**

RUFAS DAVID TUPDAL

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Shivam Deshmukh, for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 14, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under sections 376, 506 of the Indian Penal Code, 1860 and under section 67(a) of the Information Technology Act, 2000 registered on 04/07/2023 vide C.R. No. 815 of 2023 with Malvani police station. The applicant was arrested on 04/07/2023.

3. The prosecutrix at the relevant time was 18 years of age. The applicant was 28 years of age and was teaching in the classes where the prosecutrix was being coached. The applicant was her teacher. The prosecutrix has stated that the applicant proposed her with a love relationship which she refused. It is then submitted that on the pretext of teaching her, the applicant called the prosecutrix to his

house and committed the act which is an offence under the aforesaid sections. It is also alleged that the applicant circulated the obscene video of prosecutrix which was viewed by some known persons who in turn informed this fact to the mother of the prosecutrix. It is the submission of the learned counsel for the applicant that no other witness has corroborated this fact. The applicant was arrested on 04/07/2023.

4. Learned counsel for the applicant upon the materials on record in the nature of register of lodge where the applicant and the victim had frequented, demonstrated that the relationship between the applicant and the victim was consensual in nature.

5. Considering the nature of the accusations and the authority which the applicant had over the prosecutrix, in the facts and circumstances of the present case, I am not inclined to enlarge the applicant on bail at this juncture.

6. The application is rejected. It is open for the applicant to apply for bail at the later stage depending upon the progress of the trial.

(M. S. KARNIK, J.)