

AGK

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

BAIL APPLICATION NO.3945 OF 2024

Sureshkumar Ravindranarayan	
Avasthi @ Guruji	... Applicant
V/s.	
The State of Maharashtra & Anr.	... Respondents

Mr. Nizamuddin B. Khan with Ms. Nafeesa Khan and Ms. Sheeba Khan for the applicant.

Ms. Megha S. Bajoria, APP for respondent No.1-State.

Mr. Siddhant H. Deshpande for respondent No.2-victim (appointed as Legal Aid).

Mr. Paresh Gargade, PSI, Versova Police Station, Mumbai, is present.

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CORAM : AMIT BORKAR, J.

DATED : AUGUST 12, 2025

P.C.:

1. The present matter arises out of the instant second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 ("Cr.PC." for short) / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short). The applicant seeks regular bail in connection with Crime Register No. 522 of 2022 registered with Versova Police Station, Mumbai. The case has been registered for offences punishable under Sections 376, 376(2)(N), 328, and 506(2) of the Indian Penal Code, 1860

(“IPC” for short), Sections 2(1)(b) and 13 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013, and under Sections 4, 8, and 12 of the Protection of Children from Sexual Offences Act, 2012 (“POCSO Act” for short).

2. The prosecution case, in brief, is as follows: The complainant is the victim in this case. For the past three years, she has been residing with her family at Santacruz, Mumbai, and is pursuing her graduation from Mumbai University. The accused is stated to be the spiritual teacher (“guru”) of the complainant’s father. Her father regularly visited the accused at his residence to seek blessings. Over a period of time, the accused allegedly started demanding money, valuable articles, and other gifts from her father as “offerings” towards the spiritual relationship. It is alleged that the accused also threatened her father that “Maharaj will curse him” if his demands were not met. Out of fear, her father is stated to have fulfilled all such demands.

3. The record further discloses that the accused first came to the complainant’s house about five to six years ago. On one such occasion, when her mother was not at home, the accused allegedly spoke in abusive terms about her mother to her father and created tension within the family. It is further alleged that the accused was indulging in “black magic” practices and had taken various ornaments from her father.

4. The allegations further state that since October 2019, the complainant, her father, and her brother used to visit the accused’s

house. During these visits, the accused is alleged to have misbehaved with the complainant and also sent her inappropriate messages. The complainant and her brother initially did not disclose these incidents to anyone. It is alleged that when the accused visited the complainant's home, he would deliberately send her brother out on errands, such as bringing sweets, and then give the complainant "prasad" to consume.

5. According to the prosecution, after consuming such "prasad," the complainant would feel intoxicated. On one such occasion, the accused allegedly caught her hand, kissed her, took her to the bedroom, removed her clothes, and committed sexual assault upon her. When she regained consciousness, she found the accused sleeping naked beside her. Out of fear, she started crying.

6. It is further alleged that thereafter, the accused, by threatening to expose her nude photographs, repeatedly committed sexual intercourse with her against her will. The accused also allegedly told her father that the complainant was having an affair with someone. On another occasion, the accused took her to the bedroom under the pretext of praying, and when her mother intervened, the accused abused her in filthy language. The same pattern of assault is alleged to have continued until the complainant finally lodged the present complaint with the police.

7. Learned Advocate for the applicant submitted that the applicant has been falsely implicated in the present case. It is contended that there are no specific or concrete allegations made directly against the applicant in the manner alleged. It is pointed

out that in the First Information Report (“FIR”), the victim has not mentioned any specific date or time of the alleged incidents, which casts doubt on the veracity of the allegations. Learned Advocate submits that there is an unexplained delay of nearly two years in lodging the FIR, which itself makes the prosecution story doubtful. It is further argued that, on the date of the alleged incidents, the victim was a major in age and therefore the provisions of the POCSO Act are wrongly invoked.

8. It is further submitted that the applicant is a 58-year-old person suffering from various ailments, and it is improbable that he would commit the offences alleged. Learned Advocate drew attention to the text messages exchanged between the victim’s mother and the applicant, as well as between the victim and the applicant, and argued that these conversations rule out the possibility of the applicant committing the alleged acts. According to him, the tone and nature of the conversations suggest a cordial and voluntary interaction rather than coercion or exploitation. It is also stated that the applicant is gainfully employed in a private company, and therefore there is no likelihood of his absconding or tampering with prosecution evidence.

9. Per contra, learned Additional Public Prosecutor (“APP”) and learned Advocate appointed to represent the victim vehemently opposed the bail application. It is submitted that, contrary to the applicant’s claim, the victim was a minor at the relevant time, whereas the applicant is 58 years old. The prosecution asserts that the applicant projected himself as a ‘godman’ and gained the trust of the victim’s family, particularly her father, who was his follower.

The medical examination of the victim prima facie indicates that she was subjected to sexual intercourse.

10. It is submitted that, taking advantage of his spiritual position, the applicant used to take the victim to his bedroom under the pretext of religious or spiritual activities and there committed sexual intercourse with her. Since October 2019, the victim's father, being a devout follower of the applicant, regularly took the victim and her brother to the applicant for performing 'pooja'. On these occasions, the applicant allegedly warned the victim that if she disclosed the acts to anyone, "Guru Ratandas Maharaj Sahebji will get angry and curse your family".

11. The prosecution further alleges that the applicant administered an oath to the victim in the name of her "guru" not to disclose the acts, warning that otherwise her mother would die in great pain. The applicant is also alleged to have clicked nude photographs of the victim and used them to blackmail her into having sexual intercourse against her will. It is further alleged that the applicant used to call the victim late at night, which is supported by the Call Detail Records (CDR).

12. The text messages exchanged between the victim and the applicant, according to the prosecution, support the victim's version of events. Additionally, the prosecution points to an email sent by the applicant to the victim, which contains emotional appeals and also inappropriate photographs of the private parts of other women. Such material, according to the prosecution, is consistent with the allegations of sexual exploitation.

13. On these grounds, it is submitted that the nature of allegations, the gravity of the offences, and the material collected during investigation clearly disentitle the applicant to any discretionary relief of bail at this stage. It is therefore prayed that the bail application be rejected.

14. I have considered the submissions made on behalf of the applicant, the learned APP, and the learned Advocate for the victim. I have also perused the case diary, the FIR, the statements recorded during investigation, the Call Detail Records (CDR), and the other material produced by the prosecution.

15. The record indicates that the victim was a minor at the relevant time. The applicant, aged about 58 years, is alleged to have exploited his position as a self-styled 'godman' and spiritual guide to the victim's father, and to have gained access to the victim over a period of time. The allegations are not of a solitary incident but of a continuous course of sexual abuse extending over a substantial period.

16. The prosecution material prima facie shows that the applicant, by invoking spiritual authority, instilled fear of divine curse in the victim's mind and administered an oath of secrecy under threat of harm to her mother. It is further alleged that he drugged the victim through 'prasad', sexually assaulted her, took her nude photographs, and used those photographs to blackmail her into repeated sexual acts. Such conduct, if proved, would amount not only to an offence under Sections 376 and 376(2)(N) IPC but also under the provisions of the POCSO Act and the

Maharashtra Prevention and Eradication of Human Sacrifice and Black Magic Act, 2013.

17. The medical examination report on record prima facie indicates that the victim was subjected to sexual intercourse. This medical evidence, though subject to proof during trial, supports the version given by the victim in her statement. Further, the Call Detail Record (CDR) analysis produced by the prosecution shows that the applicant was in frequent telephonic contact with the victim, including calls made late at night. This pattern of communication is consistent with the prosecution's allegation that the applicant used to call the victim at odd hours for the purpose of exploitation.

18. The email correspondence sent by the applicant to the victim contains not only emotionally manipulative language but also inappropriate photographs of private parts of other women, which, at this stage, appears to lend weight to the prosecution's case of sexual misconduct and exploitation. Such content cannot be explained away as casual or innocent communication, particularly when viewed in the background of the victim's consistent allegations.

19. In addition, the text messages exchanged between the applicant and the victim contain references and expressions which, when read in light of the victim's complaint, appear to prima facie corroborate her account of repeated sexual assault and coercion. The convergence of these materials, medical evidence, CDR, emails, and text messages, creates a chain of circumstances which,

at this stage, strongly supports the prosecution's case and undermines the claim of false implication raised by the applicant.

20. The defence has strongly relied on the fact that there is a delay of about two years in lodging the First Information Report. This contention has been carefully considered. It is true that, in ordinary criminal cases, an unexplained or inordinate delay in filing an FIR can create doubt about the genuineness of the allegations. However, cases of sexual assault stand on a different footing, particularly when the accused is in a position of dominance, trust, or authority over the victim or her family.

21. The Courts have repeatedly recognised that in such cases, the psychological pressure, fear of social stigma, and the influence exerted by the accused often result in the victim remaining silent for long periods. In the present case, the victim has given a plausible explanation for the delay. She has stated that her father had blind faith in the applicant, treating him as a spiritual guide or "guru", and that the applicant had threatened her with divine retribution, warning that "Guru Ratandas Maharaj Sahebji will curse your family" if she spoke about the incidents. She has further stated that the applicant administered an oath of secrecy, telling her that if she disclosed the acts, her mother would die in pain.

22. In such a scenario, it cannot be overlooked that the victim was placed in an extremely vulnerable and fearful position, both emotionally and psychologically. The delay is thus explained by the peculiar circumstances of this case and cannot, at this stage, be treated as fatal to the prosecution's case. This explanation also

gains credibility when seen alongside the corroborative material already collected, such as the medical report, call detail records, text messages, and emails, which lend prima facie support to the victim's version.

23. The submission that the victim was a major on the date of incident is contradicted by the documentary proof of her date of birth available in the investigation papers. The claim of false implication is a matter of defence, which can only be tested during the trial after the witnesses are examined.

24. This being a second bail application, the law requires the applicant to demonstrate a substantial change in circumstances since the rejection of the earlier application. No such change is shown. The nature and gravity of the offences, the position of influence allegedly held by the applicant over the victim and her family, and the material on record remain the same.

25. The offences alleged are of a serious nature involving sexual exploitation of a minor, abuse of trust, and use of blackmail. The possibility of the applicant influencing or intimidating witnesses, particularly when the victim and her family were earlier under his spiritual influence, cannot be ruled out.

26. While considering bail, the Court must take into account the nature and gravity of the offence, the severity of punishment, and the reasonable apprehension of witness tampering. In cases of sexual assault, particularly against minors, the Courts must exercise caution and sensitivity while deciding bail.

27. Applying these principles, I am of the opinion that the material on record creates a strong prima facie case against the applicant. Given the seriousness of the allegations, the position of dominance allegedly exploited by the applicant, and the absence of any change in circumstances since the earlier rejection, this is not a fit case to grant bail.

28. Accordingly, the bail application stands rejected.

(AMIT BORKAR, J.)