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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4765 OF 2024

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Vinay Sudhakar Mhatre ... Applicant
V/s.
The State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.644 OF 2025
IN
BAIL APPLICATION NO.4765 OF 2024

Anuja Avinash Bansode ... Applicant
In the matter between
Vinay Sudhakar Mhatre ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. N.V. Sawant for the applicant in BA.

Mr. Omkar S. Mayekar with Ms. Disha P. Chaurasia and
Mr. Vinit S. Patil for the applicant in IA.

Mr. Sagar R. Agarkar. APP for the respondent-State.

Mr. Sonawane, PSI, Kanjurmarg Police Station, is
present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 23, 2025

PC.:

1. This is an application under Section 439 of the Code of Criminal Procedure, 1973, whereby the applicant seeks to be released on regular bail in connection with Crime Register No. 36 of 2024, registered with Kanjur Marg Police Station, for alleged

offences punishable under Sections 376(2), 417, and 506 of the Indian Penal Code, 1860.

2. As per the case of the prosecution, the complainant/victim, aged 22 years, came into contact with the applicant through the social media platform Instagram. It is alleged that the applicant represented to the victim that he would adopt her, knowing well that she is an orphan. Relying on such assurance, on 27 October 2022, the victim visited the applicant's residence at Kanjur Marg to celebrate her birthday. It is alleged that the applicant administered some liquid to the victim due to which she became unconscious, and on regaining consciousness, she sensed that she had been subjected to sexual assault. It is further alleged that the applicant disclosed to her that he had established physical relations with her, and also threatened to circulate a video of the incident in case she disclosed the matter to anyone. Subsequently, in the year 2023 also, it is alleged that the applicant committed forcible sexual acts upon the victim. The victim approached the police and lodged the report on 18 February 2024, following which the present case was registered.

3. The applicant came to be arrested on 18 February 2024, and has been in custody since then.

4. Learned Advocate appearing for the applicant submitted that the relationship between the applicant and the victim was consensual in nature. It is contended that the mobile phone of the victim contains selfies and videos which show that she voluntarily accompanied the applicant and did not show resistance. It is

further pointed out that the delay of nearly 16 months in lodging the First Information Report indicates that there was no immediate threat or coercion as alleged. Learned counsel submitted that the applicant has no criminal antecedents, is in custody since February 2024, and the investigation is complete. It is, therefore, prayed that the applicant may be enlarged on bail with appropriate conditions.

5. On the other hand, learned APP for the State and learned Advocate appointed to represent the victim have strongly opposed the bail application. They submitted that the victim is an orphan and the applicant misused her vulnerable condition. It is alleged that the applicant abused the victim's trust and exploited her under false promises, and later used threats and coercion to prevent her from disclosing the incident. It is also alleged that the applicant is politically well-connected, and that due to fear and duress, the victim was unable to report the incident earlier. It is thus contended that the delay in lodging the FIR is adequately explained and cannot be treated as fatal to the prosecution case. They further submitted that considering the nature of allegations, the influence of the applicant, and the vulnerability of the victim, the applicant does not deserve to be released on bail at this stage.

6. I have considered the rival submissions, the material placed on record, and the nature of the allegations. The FIR indicates that the incident allegedly occurred in October 2022 and again in 2023. However, the FIR came to be lodged only on 18 February 2024, after a considerable delay. Though the prosecution has attempted to explain the delay on the ground that the victim was threatened,

it is to be noted that there is no contemporaneous complaint or medical record available from the relevant time that would support the version of forcible sexual assault on the said date.

7. It is further material to note that the alleged relationship continued even after the first incident and there is reference to the victim visiting the applicant subsequently. The defence has placed on record certain photographs and electronic evidence from the mobile phone which prima facie suggest a degree of familiarity and consent. Though such material would be tested in detail at the time of trial, at this stage, it raises a doubt as to whether the relationship was entirely non-consensual, especially when viewed in light of the delay and continued communication.

8. The investigation in the case is complete, and the charge-sheet has already been filed. The applicant has been in custody since 18 February 2024, and no further custodial interrogation is required. There is nothing on record to indicate that the applicant may flee from justice or tamper with evidence. The prosecution has not brought any material to show that the applicant misused the liberty granted to him in the past or that he poses any threat to the victim now.

9. In such circumstances, and considering that the trial is likely to take some time, in my view, further pre-trial incarceration of the applicant is not warranted. The applicant can be released on bail with stringent conditions to ensure that he does not in any manner influence the prosecution witnesses or repeat any such act.

10. Therefore, in my opinion, the applicant has made out a prima facie case for release on bail. Hence, following order:

- (i) The bail application is allowed:
- (ii) The applicant is directed to be released on regular bail in connection with Crime Register No.36 of 2024 registered with Kanjur Marg Police Station for offences punishable under Sections 376(2), 417 and 506 of the Indian Penal Code, 1860, on his executing a personal bond in the sum of ₹25,000/- (Rupees Twenty-Five Thousand only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:
 - a) The applicant shall report to Kanjur Marg Police Station on the first Monday of every month between 10:00 a.m. and 12:00 noon, until further orders.
 - b) The applicant shall not tamper with the evidence or attempt to contact or influence any witness, directly or indirectly.
 - c) The applicant shall appear before the Trial Court on every date of hearing, unless prevented by a sufficient and valid cause.
 - d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - e) The applicant shall not indulge in any criminal activity during the pendency of the trial.
 - f) Any breach of these conditions shall result in the

prosecution moving for cancellation of bail before the Trial Court.

11. The bail application accordingly disposed of in the above terms. No costs.

12. In view of this order, the interim application also stands disposed of.

(AMIT BORKAR, J.)