

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.132 OF 2025

Ravi Singh Gautam Bhadoria	.. Applicant
Versus	
State Of Maharashtra	.. Respondent

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- Mr. Anil B. Pandey, Advocate for Applicant.
 - Mr. Hitendra J. Dedhia, APP for State.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 28, 2025

P. C.:

1. Heard Mr. Pandey, learned Advocate for Applicant and Mr. Dedhia, learned APP for State.

2. Applicant - accused has filed the present Application for regular bail in connection with Crime No. 782 of 2024 registered with Kolsewadi Police Station for the offence punishable under Sections 64, 351(2) of the Bhartiya Nyaya Sanhita, 2023. FIR is filed on 07.07.2024, which is appended at Page No.37 of the Application.

3. FIR is appended at page No.35 of the Application, what is stated in the FIR is a singular incident of forceful encounter by the Applicant and he capturing obscene pictures and videos of the said encounter inside his Kirana Shop which was run by the Applicant.

4. Admittedly, prosecutrix is a middle aged married lady. She has stated that she befriended the Applicant who is the owner of a Kirana Shop where she used to purchase articles on regular basis. It is stated in the FIR that both of them became friends and Applicant borrowed an amount of Rs.65,000/- from her. No details are given. Thereafter, she states that on the date of incident i.e. 02.07.2024 at about 12:00 noon when she visited Applicant's shop for buying articles he pulled her inside the shop, closed the shutter and outraged her modesty forcefully against her wish and after the incident allowed her to go.

5. Mr. Pandey, learned Advocate for the Applicant has drawn my attention to the handwritten note appended at Page No.44 of the Application which is written by prosecutrix herself, wherein she has stated that she was in love with the Applicant and her husband was unaware about the same and the Applicant but because Applicant tortured her mentally and physically she ran away and told her husband and also admitted to take steps to commit suicide. As stated above, the prosecutrix is a married lady – 35 years old and also has children.

5.1. He has next drawn my attention to the medical report of the prosecutrix dated 11.07.2024, which is appended at page No.59 onwards of the Application. On perusal of medical report it states that

prosecutrix was suffering from a psychiatric problem and as stated by her she has undertaken treatment 4 years back in Lokmanya Tilak Municipal Hospital at Sion and she was prescribed medicines / tablets for her condition. Said report states that after the alleged incident prosecutrix was directed to undergo MLC and she attended initially to to Rukminibai Hospital but when she consumed 20 tablets which she was taking, she was advice to go to Kalwa Hospital for further management of her condition and thereafter after taking discharge she also attempted to commit suicide by inflicting a cut with the knife on her left wrist after which the present FIR was lodged.

5.2. A concise statement of the information of the prosecutrix to the doctor while undergoing MLC has been reproduced in her medico legal examination on page No.67 of the Application which is at variance with the FIR. However, the Section 164 statement of the prosecutrix appended at Page No.92 rather is in complete contradiction with the FIR and shows reversal of the alleged incidents rather not all incidents which have been alleged by her in the FIR and her further statement has been recorded during her Medico Legal Examination. The date of the alleged incident as also Applicant borrowing an amount of Rs.65,000/- have been quoted in complete contradiction with what is stated in the FIR.

5.3. *Prima facie* on perusal of the record of the case and the contradictory statements made by the prosecutrix, the Applicant has made out a case for Bail.

6. Needless to state that the grievance expressed by Mr. Dedhia, learned APP regarding imposing conditions on the Applicant with respect to the presence of the Applicant in the same area where prosecutrix is residing can be taken care of by imposing appropriate conditions on the Applicant.

7. In view of the above observations, Bail Application is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;

(ii) Applicant shall report to the Investigating Officer of concerned Police Station once every month on the third Saturday between 10:00 am to 12:00 noon for the first three months and thereafter as and when called;

(iii) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;

(iv) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(v) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner; in addition, Applicant shall not make any attempts to re-associate with the prosecutrix in any manner either through a device or in-person;

(vi) Applicant shall not enter the jurisdiction of the Kolsewadi Police Station where the prosecutrix is residing, except for attending to the Investigating Officer until the completion of trial;

(vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time;

(viii) Any infraction of the above conditions shall entail cancellation of this order.

8. It is clarified that the observations in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case and the trial shall be adjudicated and determined on the basis of evidence and strictly in accordance with law.

9. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]