

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 239 OF 2025

Shridhar Kapileshwar Samal. ...Applicant.
Versus
State of Maharashtra. ...Respondent.

Mr. Gaurav M. Parkar, Advocate for the Applicant.

Mr. Amit Palkar, APP for the Respondent-State.

CORAM: ASHWIN D. BHOBE, J

DATED: 20th AUGUST, 2025

PC:-

1. Heard Mr. Gaurav M. Parkar, learned Advocate for the Applicant and Mr. Palkar, learned APP for State.
2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the Applicant is seeking regular bail in Crime No. 559 of 2024 registered with Panvel City Police Station for the offences punishable under Section 64(2)(m), 115(2), 352 of Bharatiya Nyay Sanhita, 2023 (for short "BNS").
3. Case of the prosecution is that the informant is the branch manager at Indian Bank, Panvel. Applicant/Accused was working as office boy in the said bank and was also driving OLA Car. The Informant engaged the Applicant as a driver in February, 2024 and also secured job for him in

Indian Bank, Panvel branch. Informant and Applicant developed acquaintance. Informant and the Applicant were in physical relationship, which the Informant claims to be forcible. Informant was assaulted by the Applicant as the Informant refused to continue with the physical relationship.

4. Applicant was arrested on 19th September, 2024. Bail Application No. 937 of 2024 filed by the Applicant was dismissed by the Additional Sessions Judge, Panvel-Raigad on 1st January, 2025.

5. Mr. Gaurav Parkar, learned Advocate for the Applicant submits that the record including the statements made by the informant indicates that the Applicant and the Informant being in consensual relationship. He submits that though the Informant claims of being assaulted by the Applicant, there is no material on record to indicate the nature of the injuries caused. He submits that it is on account of a rift between the Applicant and the Informant that resulted in filing the present complaint by the Informant making baseless allegations against the Applicant.

6. Mr. Palkar, learned APP for the State submits that the Informant has maintained her case in her statements recorded under Section 161 as also under Section 164 of the Cr.PC. He submits that mobile phone recovered at the instance of the Applicant indicates a video clip wherein the Applicant and Informant are seen kissing each other.

7. Perused the records with the assistance of the learned Advocates.

8. The incident complained by the Informant starts from 09.04.2024

till 18.07.2024. FIR is registered on 11.09.2024. Complaint is lodged almost after 50 days from the alleged last date of incident. There is no explanation offered for the delay.

9. Perusal of the statements made by the Informant, prima facie gives an impression that the Informant and Applicant were in consensual relationship. Again, prima facie, the complaint appears to have been filed in view of a discord between the Applicant and Informant. Though the Informant has claimed of she being assaulted at the hands of the Applicant, there is no medical record placed alongwith the charge-sheet to indicate the nature of injuries. Prima facie, the medical evidence in the context of alleged sexual assault, does not support the case of the prosecution. Applicant is in jail for almost 10 months. Considering the nature of allegations and the material on record, further detention of the Applicant in jail till the conclusion of the trial is not warranted.

10. Mr. Palkar, learned APP for the State however, expresses an apprehension of the Applicant interfering with the Informant/prosecution witnesses and tampering with the evidence, as such requests for imposition of stringent conditions.

11. Mr. Gaurav Parkar, learned Advocate for the Applicant on instructions from the Applicant submits that pending the trial in the Crime, the Applicant shall not enter the jurisdiction of Panvel City Police Station and Seawoods Navi Mumbai Police Station. Statement accepted.

12. In view of the above, Bail Application is allowed on the following conditions :

- (a) Applicant be released on bail in Crime No. 559 of 2024 registered with Panvel City Police Station upon furnishing PR. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Panvel-Raigad.
- (b) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing the facts to Court or any Police Officer. The Applicant shall not tamper with evidence.
- (c) Applicant shall not contact the Informant or her family members in any manner.
- (d) Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the Investigating Officer, Panvel City Police Station.
- (e) Applicant shall attend each and every date of hearing before the Trial Court, unless exempted.
- (f) The observations made in the present order are limited for the adjudication of the present Bail Application. The trial Court shall not be influenced by the prima facie observations made herein and shall adjudicate the proceedings on the basis of evidence on its merits.

13. Bail Application No. 239 of 2025 is allowed and disposed of on the above terms.

(ASHWIN D. BHOBE,J.)