

Shabnoor

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

BAIL APPLICATION NO.253 OF 2025

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Arvind Rudaram Purohit @
Arvind Kumar Rudaram Purohit ... Applicant
V/s.
State of Maharashtra & Anr. ... Respondents

Mr. Tarun S. Sharma with Ravindra Jadhav with
Mahesh R. Patil, Hansraj Solanki for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the State –
respondent.

Mr. Sandeep Palve, API for Navghar Police Station.

CORAM : AMIT BORKAR, J.

DATED : JUNE 30, 2025

P.C.:

1. The present application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in connection with Crime Register No. 577 of 2024, registered with Navghar Police Station. The applicant has been charged for offences punishable under Sections 376, 376(2)(n), 354(D), and 506 of the Indian Penal Code, 1860, which relate to allegations of repeated sexual assault, stalking, and criminal intimidation.

2. Learned Advocate appearing for the applicant submitted that the alleged first incident, as narrated in the First Information

Report (FIR), dates back to the year 2023. However, the FIR has been filed after an inordinate delay of more than one year, which, according to him, casts a doubt on the truthfulness and spontaneity of the complaint. It was further argued that the material on record reveals that the applicant and the informant were in a relationship for some time. There was continuous exchange of messages between them, which according to the applicant reflects a consensual nature of interaction. The learned Advocate further submitted that the applicant is a law-abiding citizen with no prior criminal record and has roots in the society. It is contended that the applicant will not tamper with the evidence or influence any witnesses. He, therefore, prayed that the applicant may be released on bail.

3. On the other hand, the learned Additional Public Prosecutor opposed the bail application. She submitted that there is prima facie material on record to show that the applicant had obtained certain private photographs of the informant prior to her marriage, and based on those photographs, allegedly threatened and coerced her into having repeated sexual relations against her will. It was further submitted that the informant was under pressure due to such threats, and the delay in filing the FIR is thus explainable and ought not to be viewed adversely at this stage. The learned APP also submitted that the nature of allegations are grave and serious in nature, and if the applicant is released on bail, there is every likelihood that he may misuse the liberty and cause further harassment to the informant. Hence, it is prayed that the application be rejected.

4. I have carefully considered the submissions made by the learned counsel for the applicant and the learned Additional Public Prosecutor. I have also gone through the FIR, the statements on record, and the documents relied upon by the prosecution.

5. It is true that the offences alleged against the applicant are serious in nature and concern grave allegations under Sections 376 and 376(2)(n) of the Indian Penal Code. However, the facts of the case, as they appear from the FIR and supporting material, indicate that the complainant and the applicant were known to each other prior to the alleged incidents. The FIR itself refers to earlier interactions between the parties, and it is not disputed that there was an exchange of messages between them for a considerable period of time.

6. One of the factors that needs to be considered at this stage is the delay in lodging the FIR. As per the FIR, the first alleged act of sexual assault occurred in 2023, whereas the complaint came to be filed in 2024, more than a year later. Though the prosecution has sought to explain the delay on the basis of coercion and threat, such an explanation would be a matter for trial, and at this stage, it cannot be assumed to have been conclusively established.

7. It is also not the case of the prosecution that any physical injury was caused to the complainant. The record does not suggest that any medical examination was conducted immediately after the alleged offence, nor has any recovery been shown in connection with the alleged acts. The applicant has no past criminal antecedents. He has been in custody since his arrest, and

the investigation appears to be complete. The charge-sheet is stated to have been filed.

8. In view of the above circumstances, particularly the prior relationship between the parties, the delay in lodging the FIR, absence of antecedents, and the completion of investigation, this Court is of the opinion that the continued custody of the applicant is not necessary. Appropriate conditions can be imposed to ensure that he does not misuse his liberty or cause any interference with the prosecution evidence.

9. Hence, the following order :

(a) The Bail Application is allowed.

(b) The applicant, shall be released on bail in connection with Crime Register No. 577 of 2024 registered with Navghar Police Station for offences punishable under Sections 376, 376(2)(n), 354(D), 506 of the IPC, upon furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court, subject to the following conditions:

(c) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly family members of the victim.

(d) The applicant shall not, in any manner, contact the victim or her family members, directly or indirectly.

(e) The applicant shall report to the Navghar Police Station on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.

(f) The applicant shall not leave the territorial jurisdiction of the Trial Court without its prior written permission.

(g) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(h) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

10. The Bail Application is disposed of in above terms.

(AMIT BORKAR, J.)