

AGK

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

BAIL APPLICATION NO.586 OF 2025

Satish Jagdish Purohit ... Applicant

V/s.

The State of Maharashtra & Anr. ... Respondents

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Mr. Niranjan Mundargi with Ms. Keral Mehta for the applicant.

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

Ms. Priyanka B. Chavan for respondent No.2 (appointed as Legal Aid).

Mr. Kalidas Dhaware, PSI, L.T. Marg Police Station, Mumbai, is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 14, 2025

P.C.:

1. By the present application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS"), the applicant is seeking regular bail in connection with Crime Register No.762 of 2024 registered with L.T. Marg Police Station, Mumbai, for offences punishable under Sections 354, 376(2)(n), 377, 509 of the Indian Penal Code, 1860, read with Sections 4, 8, and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. The case of the prosecution, in brief, is that the victim, a minor girl, was under emotional distress due to her parents'

divorce and the difficulty she faced in adjusting to a new school environment. Her mother, therefore, took her to the Umeed Child Development Centre for counseling. The first informant, who was a counselor at the said centre, had been providing psychological counselling to the victim from January 2023 onwards. During the said period, the victim regularly attended counseling sessions with the first informant. Sometimes, her mother would accompany her. The first informant maintained communication with the victim and her mother through mobile calls and WhatsApp messages, offering necessary advice and assistance to improve the victim's mental health.

3. On 30 March 2024, during one of the counseling sessions, the first informant inquired whether the victim was facing any issues at her private tuitions, namely, Shadow Learning, Baskar Lane, Bhuleshwar, Mumbai. It is then that the victim disclosed that a tutor named Gautam Purohit had been behaving in an inappropriately friendly manner with her since September 2023. He allegedly won her trust, and she began sharing her private and family matters with him. He also took her to two A-rated movies, during one of which, he allegedly touched her thigh, making her uncomfortable.

4. As the sessions continued, the victim revealed further serious allegations. She alleged that in the year 2022, Tarun Purohit, the younger brother of Gautam, had kissed and touched her inappropriately after classes. Later, from July to December 2023, Satish Purohit, elder brother of Gautam, allegedly committed more serious acts, including kissing her on her lips and body, asking her

to perform oral sex, and on one occasion, allegedly forcing himself on her sexually. These incidents were narrated by the victim to the counselor between March and May 2024.

5. On 29 July 2024, the first informant conveyed all these facts to the victim's mother and advised her to approach the police. However, the mother and the victim declined to take any action. The informant then informed them that she would report the matter to the authorities at the counselling centre. Still, the mother reiterated that they did not wish to pursue the matter.

6. Thereafter, from August 2024, the victim stopped attending the counselling centre. The informant, seeing no further initiative from the victim or her mother, approached the police and lodged a complaint at N.M. Joshi Marg Police Station.

7. The learned Advocate for the applicant has relied on the statement of the victim, the First Information Report, and WhatsApp chat transcripts between the applicant and the victim. He submits that the contents of the chats reflect a consensual relationship. He points out that the victim was above 16 years of age at the relevant time, and the complaint was filed almost one and a half years after the alleged first incident. He further submits that the applicant has no prior criminal record and is willing to cooperate with the investigation and trial. He is also willing to stay outside the jurisdiction of the Trial Court during the pendency of the trial, except for attending proceedings and reporting to the police station. Considering that the applicant was about 26 years old at the relevant time, he prays for grant of bail.

8. On the other hand, the learned APP as well as the learned Advocate appointed to represent the victim have opposed the bail application. It is submitted that the applicant was in a position of trust, being a private tutor of the victim, and the relationship was one of fiduciary nature. By abusing this position, the applicant breached the trust reposed in him by the victim. It is further submitted that the conduct of the applicant also reflects that he was already in a romantic relationship with another girl at the relevant time. Hence, the prosecuting agency strongly opposes grant of bail and submits that the application be rejected.

9. I have carefully considered the submissions made by the learned Advocate for the applicant, the learned APP, and the learned Advocate for the victim. I have also perused the First Information Report, the statement of the victim recorded under Section 161 and 164 of the Criminal Procedure Code, the counselling records, and the WhatsApp chat exchanges relied upon by the applicant.

10. The allegations against the applicant are indeed serious in nature and relate to sexual offences involving a minor. However, it is also to be noted that the first report of the incident has come to be lodged belatedly, almost one and a half years after the alleged first incident. Even after the disclosure of the incidents to the counsellor, neither the victim nor her mother chose to report the matter to the police. It was only upon the informant's own volition that the report came to be registered.

11. From the material placed on record, it appears that the alleged acts are said to have occurred over a period of time. The counselling records do not indicate any specific instance of complaint having been made immediately to any authority. The delay in lodging the FIR, though not always fatal, in the present case raises a genuine doubt which requires to be tested during trial.

12. Further, the Victim was around 16 years during relevant period. The applicant has no criminal antecedents to his discredit. He is a young man of around 26 years at the relevant time and appears to have been regularly conducting tuition classes. The chats relied upon by the applicant may be subject to interpretation, but they do reflect a certain degree of ongoing communication and informal interaction between the applicant and the victim. The aspect of whether such communication was consensual or exploitative is a matter of evidence which will be evaluated during trial.

13. The investigation in the matter is complete and charge-sheet has already been filed. The applicant is in custody since his arrest. Considering the overall facts and circumstances, continued custody of the applicant may not be necessary for the purpose of further investigation or trial. The possibility of tampering with prosecution witnesses can be safeguarded by imposing appropriate conditions.

14. Hence, following order is passed:

- i) The bail application is allowed;

ii) The applicant is directed to be released on regular bail in connection with Crime Register No.762 of 2024 registered with L.T. Marg Police Station, Mumbai for offences punishable under Sections 354, 376(2)(n), 377, 509 of the Indian Penal Code, 1860 read with Sections 12, 4, and 8 of the Protection of Children from Sexual Offences Act, 2012, upon furnishing a personal bond of Rs.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 the L.T. Marg Police Station, Mumbai on first Monday of every month between 10.00 a.m. to 12.00 noon, until further orders.
- b) The applicant shall not, in any manner, contact the victim or her family members, directly or indirectly.
- c) The applicant shall not enter the locality where the victim resides, and shall maintain a distance of at least 500 meters from the place of alleged incident.
- d) The applicant shall not enter the jurisdiction of the Trial Court, save and except to attend the trial and mark his presence in the concerned police station.
- e) The applicant shall cooperate with the prosecution and attend all trial dates regularly.
- f) The applicant shall not tamper with evidence or influence any witness.

- g) The applicant shall provide his current residential address and inform the court in case of change of residence.
 - h) The applicant shall not commit any offence during the pendency of trial, failing which his bail is liable to be cancelled.
 - i) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.
15. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)