

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1461 OF 2025

Ravindra Nagan Sardar
R/o.Vile Parle (W), Mumbai.

Applicant

versus

The State of Maharashtra

Respondent

ATUL
GANESH
KULKARNI

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ATUL GANESH
KULKARNI
Date: 2025.07.03
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Mr.Madhukar P.Dalvi with Mr.Shivam Dube and Ms.Disha Sharma for Applicant.

Mr.Prasanna P.Malshe, APP, for State.

Mr.Viral Mukte for Respondent no.2.

PSI Mr.Sunil Rane, Juhu Police Station, present.

CORAM : AMIT BORKAR J.

DATE : 3rd July 2025

PC :

1. The present is a second application for bail filed by the Applicant under Section 439 of the Code of Criminal Procedure, 1973. The earlier bail application filed by the Applicant was withdrawn on 6th May 2024, with liberty granted by this Court to file a fresh application in case of any change in circumstances. Thereafter, on framing of charge, the Applicant approached the Sessions Court with a fresh bail application, which came to be rejected. Hence, the Applicant has now approached this Court seeking regular bail.

2. As per the case of the prosecution, the victim had come to Mumbai in the year 2016 for employment purposes and was working as a domestic help. In the year 2018, one Manoj Pawar

introduced the victim to the present Applicant and assured her of securing work with him. Thereafter, the victim started residing with the Applicant's family. It is alleged that in the first week of November 2018, the Applicant's wife and two sons had gone to their native place in West Bengal. During that time, the victim and the Applicant were residing alone in the same household.

3. According to the prosecution, in the second week of November 2018, around 1.00 a.m., the victim felt someone inappropriately touching her while she was asleep. Upon waking up, she saw the Applicant sitting beside her and touching her breasts. The victim pushed him away, at which time the Applicant allegedly showed her certain photographs of her bathing and threatened to make them public. Out of fear, the victim pleaded with the Applicant not to publish the said photographs. It is further alleged that the Applicant then threatened her and coerced her into having physical relations with him. A few days later, the Applicant showed her a video recording of their physical intimacy, which the victim claims was recorded without her consent or knowledge. The Applicant again threatened to publish the video and forced her to continue the relationship.

4. It is further the case of the prosecution that, after about a month, when the Applicant's wife and children returned to Mumbai, the victim left the Applicant's house and began residing at Anna Chawl, Nehru Nagar, with her brother and son.

Despite this, the Applicant is stated to have continued visiting her and forced her into physical relations whenever she was alone.

5. In the year 2020, the victim began residing at a different address in Bandra (West), Mumbai, while her brother and son continued to reside at Nehru Nagar. During the COVID-19 lockdown period, when the victim's family had gone to their native place, the Applicant allegedly resumed contacting the victim and demanded that she remove her clothes on video calls. On her refusal, he threatened to make the earlier videos and photos public. It is alleged that the victim, out of fear and compulsion, complied with his demands. Ultimately, she confided in her relative and thereafter the First Information Report (FIR) came to be lodged.

6. Learned counsel for the Applicant submitted that the alleged incidents pertain to a period between November 2018 and 2021 and that the relationship between the victim and the Applicant was consensual. It is submitted that there is no specific medical or forensic evidence brought on record to suggest physical violence or use of force. Learned counsel further argued that the allegations relating to the use of photographs and videos to compel the victim require proof during trial and cannot be a ground to deny bail at this stage. It was also pointed out that the Applicant came to be arrested on 1st July 2024, and considering the period of custody and the nature of the evidence, the Applicant deserves to be enlarged on

bail.

7. On the other hand, learned APP appearing for the State, as well as the learned advocate appointed to represent the victim, strongly opposed the bail application. It was submitted that a co-ordinate Bench of this Court had earlier rejected the Applicant's request for bail and that the present application does not disclose any significant or material change in circumstance justifying reconsideration of bail. It is further submitted that the material collected during investigation, including the statement of the victim and electronic data recovered from the Applicant's mobile phone, clearly indicate that the Applicant had recorded and stored nude photographs and videos of the victim. Using such material, the Applicant blackmailed the victim and forced her into sexual acts for a period of over three years. Therefore, it was argued that the nature of allegations, coupled with the conduct of the Applicant and gravity of the offence, disentitle him from being released on bail. Accordingly, it is prayed that the present bail application be dismissed.

8. I have considered the submissions of both sides and perused the charge-sheet and material placed on record. At this stage, the Court is not required to go into the merits or the truthfulness of the allegations in depth, as that would be the subject matter of the trial. However, certain factors deserve consideration for the purpose of deciding the question of bail.

9. It is to be noted that although the FIR discloses a series of serious allegations, the victim continued to reside at various

locations and the alleged acts occurred over a long period without immediate complaint. There is no medical evidence placed on record showing use of physical force. The grievance raised relates more to alleged blackmail and coercion by use of electronic material. The aspect whether the photographs and videos were actually used to threaten or were consensually taken is a matter to be proved during trial based on evidence.

10. The Applicant has now undergone custody for a considerable period. The investigation is complete, charge-sheet is filed, and further custodial interrogation is not warranted. The trial is yet to commence and may take time. The possibility of the Applicant tampering with evidence or influencing witnesses can be safeguarded by imposing stringent conditions. Hence, in the peculiar facts and circumstances of the case, I am of the opinion that the Applicant deserves to be released on bail.

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.485 of 2021 registered with Juhu Police Station, Mumbai, for the offences punishable under Sections 376(2)(n), 354(c), 506 of the Indian Penal Code r/w Section 66(e) of Information Technology Act, on furnishing P.R.Bond of Rupees Twenty Five Thousands only with one or two solvent surety in the like amount;
- (iii) The Applicant shall attend Juhu Police Station, Mumbai, on 1st Monday of every month between 10.00

a.m and 12.00 noon till conclusion of trial, except on the date of trial;

(iv) The Applicant shall not enter in the area where the victim resides nor shall contact her by any mode;

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

(vi) Liberty is granted to the State for cancellation of bail if the applicant commits similar offence;

(vii) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

(AMIT BORKAR, J.)