

VRJ

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

BAIL APPLICATION NO.1466 OF 2025

VAIBHAV
RAMESH
JADHAV

Digitally signed by
VAIBHAV RAMESH
JADHAV
Date: 2025.06.16
19:15:53 +0530

Rohan Alias Omkar Subhas Yadav	... Applicant
V/s.	
The State of Maharashtra & Anr.	... Respondents

Ms. Lochan Chandka for the applicant.

Ms. Priyanka Chavan for respondent No.2 (Appointed as Legal Aid Counsel).

Mr. Sagar R. Agarkar, APP for the State-respondent No.1.

Mr. K. M. Dharnawade, PSI, Navghar Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 16, 2025

PC.:

1. This is an application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 seeking his release on regular bail in connection with Crime No. I-210 of 2024 registered with Navghar Police Station. The offences alleged against the applicant are under Sections 376, 376(2)(N), 500 and 501 of the Indian Penal Code, 1860 and under Section 67 of the Information Technology Act, 2000.

2. As per the prosecution case, the victim, who is aged about 23 years, lodged a report stating that she came in contact with the

applicant through a social media application. The friendship between them eventually developed into a live-in-relationship. It is alleged that initially, the applicant arranged for a rented room in a hotel where they had physical relationship on the pretext of marriage. The victim has stated that despite her unwillingness, the applicant had forcible sexual intercourse with her. Thereafter, she accompanied the applicant to Banaras and subsequently returned to Bhayander. At Bhayander, both the applicant and the victim started residing together in a rented flat where it is alleged that the applicant continued to have sexual relations with her on multiple occasions. It is further alleged that the applicant took nude photographs of the victim and thereafter refused to return money which she had loaned him. Upon her demand, he allegedly threatened to make the nude photographs viral. The complaint also alleges that the photographs were in fact made viral and sent to three phone numbers, which prompted her to lodge the present First Information Report.

3. The applicant was arrested on 10th June 2024 in connection with the aforesaid offences. His application for bail made before the learned Sessions Judge came to be rejected. Aggrieved thereby, he has approached this Court seeking regular bail.

4. The learned advocate appearing for the applicant submitted that the present FIR is an outcome of a failed love affair. It is submitted that the applicant and the victim were in a consensual relationship and there was no deceit or false promise of marriage at the beginning of the relationship. According to the learned advocate, even if it is assumed that the applicant had no intention

to marry, whether such intention was absent from the very inception is a matter which can be decided only during the course of trial upon appreciation of evidence. It is also argued that the applicant is only 22 years old and has no past criminal record. Taking into account the overall circumstances, and in the absence of any likelihood of him fleeing from justice or tampering with the prosecution evidence, the learned advocate urged that the applicant deserves to be released on bail.

5. On the other hand, the learned APP appearing for the State as well as the learned advocate appointed to represent the victim strongly opposed the grant of bail. It is submitted that the allegations against the applicant are of a very serious nature. It is contended that the applicant not only induced the victim into a physical relationship by falsely promising marriage but also misused her trust by capturing her nude photographs and subsequently blackmailing her with threats to make the said photographs viral. It is pointed out that the offence under Section 376 of the IPC gets attracted in view of the victim's consistent stand that the relationship was not consensual and that the promise of marriage was deceitful. It is, therefore, submitted that considering the gravity of the allegations, the applicant does not deserve to be released on bail at this stage.

6. I have carefully considered the submissions made by the learned advocates for the applicant and the prosecution. I have also perused the material placed on record, including the copy of the FIR, statement of the victim, and the circumstances alleged by the prosecution.

7. From the prosecution's version, it appears that the applicant and the victim were in a close relationship that began through a social media platform. The relationship subsequently developed into a live-in-arrangement and continued over a period of time, including stay at different places such as Banaras and Bhayander. The statement of the victim suggests that physical relations occurred on the assurance of marriage, and subsequently, nude photographs were taken and allegedly circulated by the applicant.

8. At this stage, the question as to whether the promise of marriage was genuine or false from the inception is a matter that will require detailed evidence and cannot be conclusively determined at this stage of bail hearing. The issue whether the consent was vitiated due to a false promise of marriage is a matter that will be considered during trial based on oral and documentary evidence.

9. It is also noted that the applicant is a young adult aged about 22 years and has no prior criminal record. He is in custody since 10th June 2024. The charge-sheet is stated to be filed, and custodial interrogation is not sought. There is no material to suggest that the applicant may flee from justice or tamper with the evidence or influence the victim if appropriate conditions are imposed.

10. It is, therefore, considered just and proper to release the applicant on bail, subject to certain conditions to ensure his presence during trial and to safeguard the interest of the prosecution.

11. Order:

- (i) The application is allowed.
- (ii) The applicant shall be released on bail in connection with Crime No.I-210 of 2024 registered with Navghar Police Station for the offences punishable under Sections 376, 376(2)(N), 500 and 501 of the Indian Penal Code, 1860 and Section 67 of the Information Technology Act, 2000, on his executing a personal bond of ₹25,000/- (Rupees Twenty-Five Thousand only) with one or more sureties in the like amount.
- (iii) The applicant shall not, directly or indirectly, make any contact with the victim or her family members during the pendency of the trial.
- (iv) The applicant shall not in any manner threaten, influence or induce any prosecution witness.
- (v) The applicant shall report to the investigating officer on every first Monday of the month between 10:00 a.m. and 12:00 noon until further orders.
- (vi) The applicant shall inform the Investigating Officer and the trial court in writing if there is any change in his residential address.
- (vii) In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail.
- (viii) It is made clear that the observations made in this

order are only for the purpose of deciding the bail application and shall not be construed as expression of opinion on the merits of the case.

(AMIT BORKAR, J.)