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

BAIL APPLICATION NO.1759 OF 2025

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Paramatma Prasad Mourya

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Dilip Shinde for the applicant.

Ms. Rajashree V. Newton, APP for the State.

Mr. Gaurav Sharma for respondent No.2.

Mr. Manoj Chouhan, Navghar Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 23, 2025

P.C.:

1. This is a bail application filed by the applicant under Section 483 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* (BNSS). The applicant is seeking his release on regular bail in connection with Crime No. 207 of 2024 registered at Navghar Police Station. The offence is registered for the alleged commission of offences punishable under Sections 64(1), 64(2)(M), 74, and 77 of the *Bharatiya Nyaya Sanhita, 2023* (BNS), read with Section 66E of the *Information Technology Act, 2000*.

2. The case of the prosecution, in brief, is that the victim has alleged that on 5th May 2022, the applicant called her to his house and under the false promise of marrying her, committed forcible

sexual intercourse against her will. It is alleged that during the incident, the applicant secretly recorded a seminude video of the victim. Later, despite the alleged promise, the applicant got married to another girl in February 2023. Thereafter, in June 2023, the applicant is alleged to have snatched the mobile phone of the victim and circulated seminude photos of the victim through her Instagram account to several contacts. The victim came to know about this incident when her maternal aunt informed her that an obscene video was received on WhatsApp. It is further alleged that the applicant demanded ₹50,000/- from the victim to delete the said video. Upon these developments, the victim lodged the complaint.

3. The learned advocate for the applicant submits that the entire relationship between the applicant and the victim was consensual in nature. Both the applicant and the victim were adults, aged 25 years, at the time of the alleged incident. It is argued that the victim had willingly accompanied the applicant on 5th May 2022. It is further pointed out that the victim was well aware that the applicant had solemnised marriage with another woman on 12th February 2023. However, despite having this knowledge, the complaint came to be lodged belatedly on 16th September 2024. The applicant has been arrested on 18th January 2025 and is in custody since then. Therefore, it is submitted that the applicant may be released on bail, subject to conditions.

4. On the other hand, the learned APP, as well as the learned advocate appointed to represent the victim, strongly opposed the bail application. It is contended that the promise of marriage given

by the applicant was false right from the beginning, and therefore, the consent allegedly obtained from the victim was not free or voluntary. It is also submitted that the applicant misused the trust reposed in him by the victim, took her SIM card, and made the seminude video viral, thereby humiliating her publicly. Further, the demand of ₹50,000/- by the applicant to delete the said video adds to the seriousness of the allegations. Hence, it is submitted that the applicant does not deserve the benefit of bail.

5. I have considered the submissions made by both sides, and I have also gone through the documents placed on record, including the FIR, statement of the victim, and other material collected during investigation.

6. At the outset, it may be noted that the relationship between the applicant and the victim appears to have commenced in 2022. It is an admitted position that both the applicant and the victim were adults, around 25 years of age, at the relevant time. The FIR discloses that the incident in question occurred on 5th May 2022. However, the complaint came to be lodged only on 16th September 2024 — that is, after more than two years from the date of the first alleged incident. This delay, though not always fatal, assumes importance in the facts of the present case, especially in view of the admitted knowledge of the applicant's marriage by the victim in February 2023 itself.

7. The allegations that the applicant recorded a seminude video and circulated it through social media are serious in nature. However, these allegations pertain to a period in June 2023, and

the investigation in this regard appears to be substantially completed. The charge-sheet has been filed. The applicant has been in custody since 18th January 2025. The material evidence appears to be documentary or electronic in nature and is already seized.

8. It is well-settled that seriousness of the offence, though relevant, is not the sole ground to deny bail. The purpose of pre-trial custody is not punitive. The Supreme Court in *Satender Kumar Antil v. CBI*, (2022) 10 SCC 51 has emphasised the principle that unless custodial interrogation is required, or there is a likelihood of tampering with evidence or influencing witnesses, a person should not be denied bail mechanically.

9. In the present case, the applicant has no criminal antecedents, and the prosecution has not placed any material to suggest that he is likely to abscond or influence the prosecution witnesses. The trial is likely to take considerable time. The applicant can be released on bail with stringent conditions to ensure that he does not misuse the liberty granted to him.

10. Hence, the following order is passed:

- a) The applicant is directed to be released on bail on executing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or more sureties in the like amount, subject to the following conditions:
- b) The applicant shall not, in any manner, contact the victim or her family members, directly or indirectly, including social media.

- c) The applicant shall not enter the locality where the victim resides, and shall maintain a distance of at least 500 meters.
 - d) The applicant shall cooperate with the prosecution and attend all trial dates regularly.
 - e) The applicant shall not tamper with evidence or influence any witness.
 - f) The applicant shall provide his current residential address and inform the court in case of change of residence.
 - g) The applicant shall not commit any offence during the pendency of trial, failing which his bail is liable to be cancelled.
11. The bail application is disposed of in the aforesaid terms.

(AMIT BORKAR, J.)