

AGK

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

BAIL APPLICATION NO.1971 OF 2025

Omkar Manoj Jadhav	... Applicant
V/s.	
The State of Maharashtra & Anr.	... Respondents

ATUL
GANESH
KULKARNI

Digitally signed by
ATUL GANESH
KULKARNI
Date: 2025.09.22
18:39:35 +0530

Ms. Vijaya Mistry for the applicant.

Mrs. Rajashree V. Newton, APP for respondent No.1-
State.

Ms. Tanvi Tapkire for respondent No.2-victim,

Mr. M.D. Shirke, PSI, Kharghar Police Station, Navi
Mumbai, is present.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 22, 2025

P.C.:

1. By this bail application filed under Section 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.), the applicant seeks regular bail in connection with Crime Register No. 97 of 2024 registered at Kharghar Police Station for offences punishable under Sections 328, 376(2)(n), 384, 323, 504, and 506 of the Indian Penal Code, 1860.

2. The prosecution case, in short, is that the victim resides with her husband and family members at Siddheshwar Society, Sector 9, Ghansoli, Navi Mumbai. She studied in Tilak Anantrashtriya Vidyalay at Ghansoli between 2010 and 2015. The applicant was also a student of the said school during that time, and therefore

both became acquainted. Later, they remained in contact over phone. In 2020–2021, the applicant called her to his house at Kharghar. He was alone at home. He offered her juice, and after consuming it, she felt giddy. It is alleged that the applicant then forcibly established physical relations with her. When she regained consciousness, she found her clothes removed, the applicant beside her, and he told her that he had physical relations with her and had also taken her photographs. He allegedly threatened her not to disclose the incident, otherwise he would kill her. Out of fear, she remained silent.

3. Later, the applicant repeatedly demanded physical relations and threatened that he would circulate her photographs if she refused. He also demanded money. The victim paid him Rs. 5,00,000/- through online mode. In May 2023, the applicant called her to Sanpada on the pretext of returning the money. There he abused, slapped, and threatened her. In January 2024, he again went to her house, demanded money, and took away her iPhone 30. On 16 March 2024, the victim disclosed these facts to her husband. Based on her complaint, the present FIR was registered against the applicant.

4. Learned Advocate for the applicant submitted that the first incident referred to in the FIR is of 2021, while the FIR itself was lodged on 23 March 2024. During this long period, the victim voluntarily accompanied the applicant to various places. There is no allegation of continuous force or coercion. The only allegations are of administering intoxicating substance in the first instance and use of photographs to blackmail. It was urged that considering

the time-gap between the alleged first incident and lodging of FIR, and the fact that both were known to each other since 2010, the applicant has made out a prima facie case for release on regular bail. It was further submitted that investigation is complete and charge-sheet is already filed.

5. On the other hand, learned APP and learned Advocate for the informant opposed the bail application. They contended that the allegations against the applicant are grave. If released on bail, there is every possibility that the applicant may influence or threaten the victim. It was, therefore, prayed that the bail application be rejected.

6. I have considered the submissions of both sides and perused the record. The allegations made by the victim are serious in nature. However, it is equally material to note certain circumstances. The first incident alleged is of the year 2021. The FIR has been lodged in March 2024, after almost three years. During this period, the victim admittedly remained in contact with the applicant and even accompanied him to different places. This conduct raises a doubt about the element of continuous force or coercion.

7. It is also on record that the applicant and the victim knew each other since their school days. The relationship appears to be of a long acquaintance. The allegation of administering intoxicating substance is restricted only to the first incident. The subsequent allegations mainly relate to threats of misuse of photographs and monetary demands. These aspects will certainly

be examined during trial, but at this stage they do not justify continued incarceration of the applicant, particularly when the investigation is complete and the charge-sheet has been filed.

8. The applicant has been in custody for a considerable period. Further detention will not serve any purpose as the trial is likely to take time. The apprehension expressed by the prosecution that the applicant may influence the victim can be addressed by imposing strict conditions while granting bail.

9. Considering the totality of circumstances, in my view, the applicant has made out a case for grant of regular bail.

10. 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 Register No.97 of 2024 registered with Kharghar Police Station for offences punishable under Sections 328, 376(2)(n), 384, 323, 504, and 506 of the IPC, upon furnishing cash bail of Rs.25,000/- (Rupees Twenty Five Thousand Only);
- iii) Within a period of eight weeks from the date of release of the applicant on regular bail, he shall furnish one or more sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:
 - (a) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly family members of the

deceased.

(b) The applicant shall report to the Kharghar Police Station on first Monday of every three months, between 10:00 a.m. and 12:00 noon, until further orders.

(c) The applicant shall not enter the jurisdiction of Ghansoli Police Station without prior written permission of the Trial Court;

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

(e) 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.

(f) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

11. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)