

Shabnoor

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

BAIL APPLICATION NO. 2517 OF 2025

Vinay Sanjay Bhoir	... Applicant
V/s.	
The State of Maharashtra & Anr.	... Respondents

Mr. Prabhakar R. Pandey with Shahjahan Vasaya, for
the applicant.

Mrs. Shilpa G. Talhar, APP for the State – respondent.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 22, 2025

P.C.:

1. The present bail application is filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking his release in connection with Crime Register No. 1811 of 2024 registered with Mumbra Police Station. The applicant is alleged to have committed offences punishable under Sections 64(I) and 64(II) of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS").

2. The case of the prosecution, briefly stated, is that the informant and the applicant were residing in the same locality and were acquainted with each other for the last 4 to 5 years. On 14th July 2024, while the informant was at her residence and engaged in household work, the applicant is alleged to have entered her

room, bolted the door from inside, and thereafter pushed her onto the bed. The informant fell on the bed facing upwards, and taking advantage of the situation, the applicant is stated to have restrained her by holding both her hands and thereafter committed forcible sexual intercourse against her consent and will. The informant approached the police on 24th August 2024 and lodged a complaint which resulted in registration of the present FIR.

3. Learned counsel appearing for the applicant has urged that the allegations are false and motivated. It is submitted that the prosecutrix was a married woman aged 33 years at the time of the alleged incident, and the FIR has been lodged after an unexplained delay of about one month. According to him, such delay itself casts a serious doubt about the veracity of the prosecution case. It is further contended that the FIR appears to have been lodged only as an afterthought and in retaliation to a subsequent altercation that took place between the prosecutrix and the applicant, leading to registration of another FIR bearing No. 1817 of 2024. Learned counsel submits that the circumstances show that the present FIR is the outcome of personal disputes rather than any real commission of offence. He further submits that there is no medical evidence supporting the narration of the alleged incident, which makes the version of the prosecutrix highly doubtful. It is therefore prayed that the applicant be released on bail.

4. Per contra, learned Additional Public Prosecutor has strongly opposed the prayer for bail. It is submitted that the offence alleged against the applicant is grave and serious in nature, involving forcible sexual intercourse. The material on record, at this stage,

prima facie indicates the involvement of the applicant in the commission of the said offence. Learned APP further pointed out that the sequence of lodging of reports relied upon by the applicant is being misrepresented. It is submitted that the report lodged by the applicant against the fiancé of the prosecutrix was filed on 25th August 2024, whereas the present FIR relating to the sexual assault had already been lodged by the prosecutrix on 24th August 2024. Therefore, the contention that the present FIR is a counterblast is factually incorrect. Considering the nature of the accusations and their seriousness, learned APP prays for rejection of the bail application.

5. I have considered the rival submissions advanced on behalf of the applicant as well as the learned APP and have perused the material placed on record. At the stage of deciding bail, this Court is not expected to enter into a detailed evaluation of the evidence. However, certain factors are to be considered, such as the nature and gravity of the accusation, the role attributed to the accused, the delay in lodging the FIR, the availability of supporting evidence, and the possibility of the accused misusing liberty, if released.

6. In the present case, the FIR was lodged on 24th August 2024, whereas the alleged incident is said to have occurred on 14th July 2024. Thus, there is a delay of more than one month in reporting the matter to the police. Though delay by itself may not be fatal in cases of sexual offences, in the present matter, the delay remains substantially unexplained. This factor creates some doubt, especially when weighed against the background of subsequent

disputes between the applicant and the prosecutrix.

7. It is also seen that the prosecutrix is a major, aged 33 years, and was admittedly acquainted with the applicant for several years. The FIR does not refer to any immediate disclosure made by her either to her family members or neighbours after the alleged incident. Furthermore, the prosecution case is not supported by any medical evidence to corroborate the allegation of forcible sexual intercourse. These aspects, at this stage, dilute the strength of the prosecution case.

8. As regards the apprehension expressed by the learned APP, the same can be taken care of by imposing suitable conditions on the applicant. The applicant has been in custody since his arrest and the investigation is stated to be complete. Therefore, further custodial interrogation of the applicant is not necessary.

9. In the totality of circumstances, this Court is of the opinion that the applicant has made out a case for grant of bail. Hence, the following order:

(i) The Bail Application is allowed.

(ii) The applicant shall be released on bail in connection with Crime Register No. 1811 of 2024 registered with Mumbra Police Station for offences punishable under Sections 64(I)(II) of BNS, upon furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the learned 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.

(b) The applicant shall report to the Mumbra Police Station, on First Monday of each quarter between 10.00 a.m. and 12.00 noon, until further orders.

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

(d) 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.

10. The Bail Application is disposed of in above terms.

(AMIT BORKAR, J.)