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

BAIL APPLICATION NO.2721 OF 2025

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Rahulkumar Dayabhai Parmar

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Rahil Ahmed Siddiqui for the applicant.

Mr. Megha S. Bajoria, APP for the State.

Mr. Sachin Tambe, PSI, MIDC Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 24, 2025

P.C.:

1. By the present application filed under Section 439 of the Code of Criminal Procedure, 1973, the applicant is seeking regular bail in connection with Crime No.966 of 2021 registered with MIDC Police Station for offences punishable under Sections 376, 376(n), 504 and 506 of the Indian Penal Code, 1860 and Section 66 of the Information Technology Act, 2000.

2. The prosecution case is that in June 2021, the applicant, who is a relative of the victim, met her when she had come to Mumbai for official work concerning her Provident Fund at the Bandra PF office. It is alleged that the applicant asked the victim to accompany him, and thereafter both of them visited a hotel in Andheri (L.E. Breach House Hotel, near Ramu Garage, MIDC), where they allegedly stayed for some time before heading to the

PF office.

3. It is further alleged that during their stay at the hotel, the applicant took photographs and made videos with the victim in a compromising position and thereafter used them to blackmail her. It is also alleged that the applicant again contacted the victim in July 2021, asking her to meet him and promising that he would delete all the photos and videos. However, despite such assurance, the applicant continued to threaten her. The victim then confided in her husband, and eventually, an FIR was lodged on 18th December 2021.

4. Learned counsel appearing for the applicant has drawn attention to the fact that the alleged incidents took place in June and July 2021, but the FIR was filed nearly five months later, on 18th December 2021. It is submitted that this delay is unexplained and raises doubts about the genuineness of the allegations. It is also submitted that the victim is a married woman with children, and she had voluntarily travelled to Mumbai and accompanied the applicant to a hotel room. There is no allegation of physical force or coercion used by the applicant at that time. The chat messages exchanged between the parties, which form part of the record, indicate a consensual relationship.

5. It is further submitted that the applicant has been in custody since 1st January 2022, and there is no material to show that he has criminal antecedents or that he poses a threat to the victim or to the society at large. The charge-sheet has been filed, and custodial interrogation is no longer necessary. Hence, the applicant

prays for his release on regular bail.

6. On the other hand, the learned APP opposed the bail, contending that the applicant misused the photos and videos to blackmail the victim and forced her into continued sexual exploitation. It was submitted that the phone has been sent for forensic examination, and the report is awaited. She also submitted that the victim suffered mental trauma and had even attempted suicide due to the applicant's threats.

7. I have carefully considered the rival submissions and perused the material on record. At this stage, while deciding the application for regular bail, the Court is required to assess whether a *prima facie* case exists, whether the applicant poses any threat to the victim or witnesses, and whether there is any likelihood of the applicant absconding or tampering with evidence.

8. Admittedly, the FIR was filed after nearly five months of the alleged incidents. While it is true that in offences involving sexual assault, some delay may be condoned due to trauma or fear, a delay of this magnitude, especially where the victim is a major and had allegedly maintained contact with the applicant, requires careful scrutiny. The record shows that the victim had again met the applicant in July 2021 of her own volition and had not raised any alarm immediately thereafter.

9. The chat messages between the parties, which are placed on record, suggest that there was continued communication and acquaintance, thereby lending *prima facie* support to the argument of the applicant that the relationship was consensual. It is settled

law that in a bail application, the Court is not to conduct a roving enquiry into the merits but only to assess whether the circumstances justify continued incarceration.

10. In the present case, the applicant has been in custody since 1st January 2022, i.e., for over two and a half years. The charge-sheet has been filed. The mobile phone has been seized and sent for forensic examination. No material is placed on record to show that the applicant has attempted to influence witnesses or tamper with evidence during this time. He is a first-time offender and has roots in society. The trial is likely to take considerable time.

11. Considering the totality of circumstances, including the unexplained delay in lodging the FIR, the nature of the relationship as reflected from the chats, absence of criminal antecedents, prolonged incarceration, and the settled principles of bail jurisprudence, I am of the considered opinion that the applicant deserves to be released on regular bail, subject to appropriate conditions.

12. Hence, the following order is passed.

- i) The bail application is allowed;
- ii) The applicant Rahulkumar Dayabhai Parmar is directed to be released on regular bail in connection with Crime No.966 of 2021 registered with MIDC Police Station for offences punishable under Sections 376, 376(n), 504 and 506 of the Indian Penal Code, 1860; and Section 66 of the Information Technology Act, 2000, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand

only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall report to the MIDC Police Station on the first Monday of every third month, between 10:00 a.m. and 12:00 noon, until further orders.
- b) The applicant shall not, in any manner, contact the victim or her family members, directly or indirectly.
- c) The applicant shall not tamper with the evidence or attempt to influence any witness.
- d) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
- e) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
- f) The applicant shall not indulge in any criminal activity during the pendency of the trial.
- g) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.

13. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)