

Shabnoor

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

BAIL APPLICATION NO.3405 OF 2025

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Siddharth Ramesh Sandha

... Applicant

V/s.

State of Maharashtra & Anr.

... Respondent

Mr. Swapnil Wagh a/w Somvrat Kurlekar & Mamta Tiwari, for the applicant.

Mr. Sagar R. Agarkar, APP for the State – respondent.

Mr. Vaibhav Khade, PSI, D. N. Nagar Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 2, 2025

P.C.:

1. The present bail application has been filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release in connection with Crime Register No. 841 of 2025 registered with D. N. Nagar Police Station. The applicant is charged for offences punishable under Sections 3(5), 308(2), 351(3), and 64(1) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution case, in brief, can be narrated as follows: The informant, a young woman aged 21 years, had shifted from Haryana to Mumbai for pursuing her education between July 2023 and June 2025. She was residing in Andheri along with her friend. In October 2024, the applicant Siddharth came in contact with the

victim at the Game Plasico Club, Bandra. Over a period of time, they developed a romantic relationship. However, according to the victim, from January 2025 onwards the applicant started demanding sexual favours from her, which she consistently refused.

3. On 15th January 2025, the applicant requested the victim to accompany him for a long drive. After the drive, though he dropped her at her residence, he allegedly entered her flat against her wish and attempted to come close to her. When she resisted, the applicant allegedly slapped her and then forcibly established physical relations with her. Two days later, the applicant again visited her house, abused her, and allegedly showed her nude photographs on his mobile, threatening to circulate them on social media if she refused to continue sexual relations with him.

4. Thereafter, in June 2025, when the victim informed him that she was returning to her native place in Haryana, the applicant allegedly assaulted her again. On 14th June 2025, he abused her on the phone and threatened that he would not allow her to continue staying in Mumbai with her roommate. Left with no option, the victim lodged a complaint with the police on 15th July 2025 against the applicant and the co-accused.

5. Learned Advocate for the applicant has drawn my attention to the allegations in the First Information Report (FIR). It is alleged therein that the incident of forcible sexual intercourse took place on 16th January 2025 at about 3:30 a.m. The learned Advocate submitted that the victim and the applicant were in a

relationship; the victim was 21 years old, and the applicant was 20 years old at that time. It is further submitted that the victim refused to undergo medical examination despite alleging sexual assault, which creates a doubt about the prosecution story.

6. Learned Advocate further pointed out that the complaint came to be lodged only in July 2025, after a delay of nearly six months, which, according to him, is not properly explained. He also relied on the WhatsApp chats exchanged between the applicant and the victim in April 2025, where the victim is seen wishing the applicant on his birthday and maintaining contact with him in a normal manner. According to the learned Advocate, these chats show that the relationship between the applicant and the victim was cordial even after the alleged incident, which contradicts the prosecution case. On these grounds, he urged that the applicant deserves to be released on bail.

7. Per contra, the learned APP has strongly opposed the bail application. She submitted that the statement of the victim recorded under Section 161 of the Code of Criminal Procedure, 1973, is consistent with her subsequent statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. According to the prosecution, the allegations against the applicant are of a serious and grave nature, involving sexual assault, criminal intimidation, and abuse. The material collected during investigation prima facie indicates the involvement of the applicant in the commission of the offence. In such circumstances, the learned APP submitted that the applicant does not deserve to be released on bail at this stage.

8. I have carefully considered the rival submissions advanced by the learned Advocate for the applicant and the learned APP for the State. I have also gone through the material placed on record including the FIR, statements of the victim, and the documents relied upon by both sides.

9. At the outset, it is to be noted that the FIR came to be lodged on 15th July 2025 whereas the alleged incident of forcible sexual intercourse is stated to have occurred on 16th January 2025. Thus, there is a delay of nearly six months in lodging the complaint. Though delay by itself may not always be fatal to the prosecution, it certainly creates a circumstance which requires proper explanation, particularly when the allegations are serious in nature. In the present case, no satisfactory explanation is offered for such delay.

10. Further, the material on record shows that despite the allegation of sexual assault, the victim refused to undergo medical examination. Medical evidence in such cases, though not the sole criterion, is an important factor in corroborating the version of the complainant. The absence of such evidence weakens the prosecution case at least to some extent and will ultimately be a matter of trial.

11. The applicant has also placed on record WhatsApp chats exchanged between him and the victim in April 2025. In those chats, the victim is seen maintaining contact with the applicant in a normal manner and even wishing him on his birthday. This conduct, after the alleged incident, does raise a doubt at this stage

whether the relationship between the applicant and the victim had completely broken down or whether it continued on friendly terms. Such circumstances, when considered together with the delay in filing the complaint and absence of medical examination, cannot be ignored while considering the question of bail.

12. The applicant is a young person aged about 20 years with no previous criminal antecedents brought to my notice. He has been in custody since his arrest in July 2025. The trial is likely to take considerable time. Continued incarceration of the applicant during such period, in the facts of the present case, would not serve the ends of justice.

13. It is settled law that at the stage of deciding bail, the Court is not required to conduct a detailed appreciation of evidence but only to see whether, on a prima facie view, the applicant can be released without hampering the trial. The presumption of innocence, a fundamental principle of criminal jurisprudence, is always in favour of the accused until proved guilty.

14. Taking an overall view of the facts and circumstances of the case, the material on record, the age of the applicant, the unexplained delay in lodging the FIR, the refusal of the victim to undergo medical examination, and the chats indicating continued contact between the parties even after the alleged incident, I am of the considered opinion that this is a fit case where the applicant can be released on bail. Needless to mention, the liberty so granted shall not be misused by the applicant and he shall strictly abide by the conditions imposed by this Court.

15. In view of the above discussion and legal position, the following order is passed:

(i) The Bail Application is allowed.

(ii) The applicant shall be released on cash bail of ₹25,000/- (Rupees Twenty-Five Thousand only) in connection with Crime Register No. 841 of 2025 registered with D. N. Nagar Police Station for offences punishable under Sections 3(5), 308(2), 351(3), 64(1) of BNS.

(iii) Within a period of eight weeks from the date of his release, the applicant shall furnish 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, in any manner, contact the victim or her family members, directly or indirectly.

(b) The applicant shall attend all proceedings before the Trial Court regularly, unless exempted by the Court on valid grounds supported by sufficient cause.

(c) The applicant shall report to the D. N. Nagar Police Station once in three months between 10.00 a.m. and 12.00 noon, until further orders.

(d) The applicant shall not leave the territorial jurisdiction of the State of Maharashtra without the prior written permission of the Trial Court.

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

(f) 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.

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

(AMIT BORKAR, J.)