

AGK

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

BAIL APPLICATION NO.3506 OF 2025

Vagaram Vardharam Chaudhary	... Applicant
V/s.	
State of Maharashtra & Anr.	... Respondents

Mr. Anirudh Rote with Mr. Vikrant Khore, Mr. Hemant G. Shinde, and Mr. Yogesh Gore for the applicant.

Mr. Sagar R. Agarkar, APP for respondent No.1-State.

Mr. Padmasinh P. Patil i/by Mr. Vilas N. Mali, for respondent No.2.

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

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 13, 2025

P.C.:

1. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in connection with Crime Register No.191 of 2024 registered at Kharghar Police Station for offences punishable under Sections 376, 376(2)(n), 506(2), and 323 of the Indian Penal Code, 1860.

2. As per the prosecution case, the complainant lodged a report on 7 June 2024 alleging that the accused, under the pretext of teaching her to ride a scooter, lured her to isolated places. On one such occasion, the accused allegedly showed her a secretly recorded obscene video of her in a compromising position, taken

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without her consent or knowledge. Using this video, the accused repeatedly threatened to kill her and to circulate the video publicly, thereby forcing her into submission.

3. It is further alleged that between November 2023 and May 2024, the accused, by using threats and criminal intimidation, committed forcible sexual acts upon the complainant on several occasions at different lodges in Kharghar, namely Vighneshwaram Lodge and Hiritvi Lodge. The complainant also alleged that she was subjected to physical assault and continuous threats to her life and reputation, which ultimately compelled her to lodge the complaint.

4. Learned Advocate for the applicant, referring to the First Information Report and other material on record, submitted that according to the prosecution itself, the allegation is that the applicant had recorded certain nude videos of the complainant and, based on such recordings, compelled her to accompany him to different lodges, where he had sexual relations with her from November 2023 to May 2024. The FIR was lodged on 7 June 2024. It is contended that the narration of events and the material on record do not conclusively indicate that the sexual acts were without the consent of the complainant. It is further submitted that the applicant was arrested on 18 June 2024.

5. It is submitted that this Court, by order dated 12 March 2025, had granted liberty to the applicant to renew his request for bail if the trial was not concluded within three months from the date of that order. Later, by order dated 24 June 2025, this Court

permitted the applicant to approach the Sessions Court for bail. The applicant accordingly preferred an application before the Sessions Court, which came to be rejected. It is further submitted that three witnesses, including the complainant, have been examined. Hence, the applicant prays for release on bail.

6. On the other hand, the learned APP and learned Advocate for respondent No.2 have opposed the bail application. They submit that the alleged offences are grave in nature and involve serious allegations. They further contend that if the applicant is released on bail, there is a strong likelihood that he may threaten or influence the complainant and other witnesses, particularly since he is related to the victim. It is therefore submitted that the application for bail deserves to be rejected.

7. Having considered the rival submissions and perused the material on record, the following reasons weigh in favour of granting bail to the applicant.

8. The investigation is complete. The charge sheet has been filed. The presence of the applicant is no longer required for custodial interrogation. Continued incarceration will not serve any further purpose in aid of investigation.

9. The applicant has been in custody since 18 June 2024. The trial has already commenced, and three witnesses, including the complainant, have been examined. The possibility of early conclusion of the trial appears remote. Prolonged detention at this stage would amount to pre-trial punishment, which the law does not permit.

10. The FIR was lodged on 7 June 2024, alleging incidents said to have taken place between November 2023 and May 2024. There is a delay in lodging the FIR, which is not explained in clear terms. This delay, though not conclusive, raises a question that requires evaluation at the stage of trial.

11. The relationship between the applicant and the complainant appears to have been of a personal nature. The allegation that the accused obtained certain videos and thereafter coerced the complainant into physical relations rests largely on the complainant's statement. The other material on record, including the statement of witnesses, does not prima facie establish absence of consent beyond doubt. The question whether the alleged acts were consensual or otherwise can only be determined after full trial.

12. The liberty earlier granted by this Court to renew the bail request upon non-completion of trial within three months has been duly exercised. The applicant availed of that liberty after the trial remained pending despite the Court's direction. This indicates that the applicant has followed due process and has not misused the earlier orders of the Court.

13. There is no material on record to show that the applicant has attempted to threaten or influence any witness after filing of the charge sheet or during the trial. The complainant has already deposed before the Court. Therefore, the apprehension expressed by the prosecution that the applicant may influence the witnesses can be addressed by imposing appropriate conditions.

14. The offences alleged are serious, but seriousness of charge alone cannot be the sole ground to deny bail when the material does not justify continued detention. The balance between the right to personal liberty and the need to ensure fair trial must be maintained. In this case, liberty can be preserved without endangering the administration of justice.

15. In view of the above considerations, this Court is of the opinion that further custody of the applicant is not necessary. The apprehensions of the prosecution can be safeguarded by imposing strict conditions. Accordingly, the applicant deserves to be enlarged on bail.

16. 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 Crime Register No.191 of 2024 registered with Kharghar Police Station for offences punishable under Sections 376, 376(2)(n), 506(22), and 323 of the Indian Penal Code, 1860 ("IPC" for short), upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with 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 victim.

(b) The applicant shall report to the Kharghar Police Station once in a month, specifically on the first Monday of each month, between 10:00 a.m. and 12:00 noon, until further orders.

(c) The applicant shall not enter the territorial jurisdiction of the Kharghar Police Station, except for marking presence 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.

17. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)