

Ajit

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3629 OF 2025**

Shriniwas Kannaya Ippili ...Applicant

Versus

State of Maharashtra ...Respondent

Mr. Siddharth Jagushte, for the Applicant.

Mr. Yogesh Y. Dabke, APP for the State-Respondent.

PSI – Madhav Bhise, Sakinaka Police station, is present.

CORAM Dr. Neela Gokhale, J.

DATED: 19th September 2025

PC:-

1. By way of the present application, the Applicant seeks his release on bail in connection with the FIR No. 843 of 2023 dated 27th August 2023 registered with Sakinaka Police Station for the offences punishable under Section 376 and 506 of the Indian Penal Code, 1860.

2. The case of the prosecution's is as follows:

The victim is a married lady residing in Navjeevan Society, Airoli, Navi Mumbai. She became acquainted with the

Applicant on Facebook in the year 2023. The Applicant used to give her some advertising work. She started working with him, and they were in touch with each other.

3. On 6th August 2023, the Applicant invited her to meet a director and producer for the purpose of getting advertising work and called her to the Zara Grand Inn, Sakinaka, Andheri (E). Accordingly, at 3 p.m., the First Informant-victim went to the said hotel, and both the Applicant and the First Informant went into a room pre-booked by the Applicant. It is the allegation of the first informant that the Applicant committed sexual assault on her in the said room and gave her a cheque of Rs. 3 Lakh. She left the hotel and went home.

4. The cheque given to her was dated 14th August 2023, and she deposited the said cheque on the due date. The cheque was dishonoured, and thereafter, she filed the present complaint. Accordingly, the FIR was registered, and the Applicant was arrested on 10th October 2023.

5. The Applicant made an application before the Sessions Court seeking bail, and by order dated 18th July 2025, his bail application was rejected. Hence, he has filed the present application for relief as prayed.

6. Mr. Siddharth Jagushte, learned Counsel for the Applicant, states that the charge-sheet was filed on 23rd November 2023 and the charges are framed on 20th February 2025. However, he submits that the story of the Complainant is not believable. He points to a statement of the manager of the hotel, recorded by the police which reveals a discrepancy regarding the time when the Applicant and the said Complainant visited the hotel. He submits that the FIR was filed only because the cheque given to the Complainant was dishonoured. He submits that there is a delay of about 21 days in the registration of the FIR. Hence, he states that the Applicant has not committed the said offence as alleged and deserves to be released on bail.

7. Mr. Yogesh Dabke, learned APP, submits that the charges are framed and the trial is likely to conclude in the foreseeable future. He thus resists the bail application.

8. I have heard both Counsel and perused the record with their assistance.

9. Admittedly, there is a delay of 21 days in filing the complaint that led to the registration of the FIR. Ordinarily, in a case under Section 376 of the IPC, a delay in registering FIR is not significant for determination of a bail application. However, in the present case, the statement of the Complainant itself creates a doubt regarding her story. She did not complain about the sexual assault to anyone for a period of 21 days and only filed the complaint after the cheque given to her by the Applicant, was dishonoured. There is possibility that the relationship was consensual and since the Applicant failed to make the payment, she has filed the complaint against him. The discrepancy in the statement of the Complainant and the manager of the hotel is also significant. According to the

Complainant, she visited the hotel at 3 p.m. and remained there in the room till 5 p.m. However, the hotel manager clearly avers in his statement that both the Complainant and the Applicant came to the hotel together at 12 a.m. in intervening night of 6th August 2023 and remained there till morning. Thus, there seems to be some substance to the arguments advanced by Mr. Jagushte. Considering that the charges are framed on 20th February 2025 and as many as 16 dates have since elapsed without substantial progress in the trial, and there is no substantial material to indict the Applicant, I am inclined to grant bail to the Applicant on the following conditions:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.20,000/- with one or two local sureties in the like amount;
- ii) The Applicant is permitted to furnish provisional cash bail of Rs. 20,000/- for his release immediately and file

undertaking that he will provide one or two sureties in the like amount of Rs.20,000/- within a period of four weeks after his release, which shall be accepted by the Trial Court. The Applicant shall provide the sureties as directed;

iii) The Applicant shall attend the Sakinaka Police Station, on the first Monday of every months between 9:00 a.m. to 11.00 a.m. till the conclusion of the trial;

iv) The Applicant shall attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court.

v) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;

vi) The Applicant shall not leave India, without permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

10. Application is allowed in the above terms and is accordingly disposed of.

11. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial

Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)