

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1163 OF 2025

RAVINDRA BALIRAM DEOKAR

..... APPLICANT

VERSUS

THE STATE OF MAHARASHTRA & ANR

..RESPONDENTS

Senior Advocate Sudeep Pasbola a/w. Adv. Divakar Rai, Adv. Aditya Rai, Adv. Nitin Rai, Adv. Saurabh Tamhankar, Adv. Vayukumar Tiwari i/b. Adv. Ramchandra Rane for the Applicant.

Ms. Supriya Kak, A.P.P. for the State.

Adv. Usha Andewar for the Respondent No.2.

API Yashwant Chavan, Bhoiwada Police Station.

CORAM : RAJESH S. PATIL, J.

RESERVED ON : 2nd MAY, 2025

PRONOUNCED ON : 8th MAY, 2025

ORDER :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No. 98/2025 registered with Bhoiwada Police Station for the offences punishable under Sections 74, 75, and 79 of the Bharatiya Nyaya Sanhita, 2023.

2. Based on the complaint filed, an FIR has been lodged against the present applicant. The applicant preferred an anticipatory bail application before the Sessions Court, which was rejected. Hence, the present pre-arrest bail application has been filed before this Court.

3. It is the contention of the applicant that he is the Additional Professor in the Department of Forensic Medicine at KEM Hospital, Mumbai. The hospital is run by the Municipal Corporation of Mumbai. The victims are the Assistant Professors of KEM Hospital who have alleged that the applicant used to harass them by making offensive comments and inappropriately touching them. The applicant is a man of a repute, staying with his wife and two daughters in the quarters of the hospital. The complaint has been lodged due to personal grudge and internal politics. The applicant does not have any kind of criminal antecedents. Therefore, the custody of the present applicant would not be needed. The applicant has already surrendered his mobile phone to the Investigating Officer (IO), and as regards the second mobile phone to be handed over to the IO, the same could not be done since the IO refused to accept the mobile phone from the wife of the applicant. The FIR has been lodged very recently and as per the allegation made in the FIR, the offences

are alleged to be committed from the year 2021. There is a huge delay in filing the FIR. Due to the false complaint filed, the present applicant has been suspended from service on 15th April 2025, by the Municipal Corporation. Presuming the allegations are true for a minute, none of the victims told the applicant to stop the alleged activities. The applicant even today is ready to handover the second mobile phone to the IO.

4. The offences involved in the crime are punishable for a maximum term of five years. There is delay in filing the FIR. The photographs which are enclosed to the anticipatory bail application would suggest that the victims have happily clicked photographs with the present applicant. On perusal of the entire allegations, it can be seen that except two allegations, none of the alleged allegations are of serious nature. The said two allegations are with regard to the incident allegedly happened in the cabin of the applicant and the second incident as alleged that the applicant invited one Junior resident Doctor to a nearby food-joint. Due to objectionable behaviour of Dr.Phatak, the wife of the present applicant has also filed a complaint against Dr.Phatak. The custody of the present applicant is not at all necessary.

5. On behalf of the complainant, Ms.Usha Andewar made her submissions. She submitted that atleast six female doctors have filed their complaints against the present applicant, firstly with the hospital authority and thereafter with the police. Before lodging their complaint with the police, they had also met the wife of the present applicant. They raised their concerns about the improper behaviour of the applicant with them. However, on the same day at night, the applicant called Dr.Vivek and started enquiring about the issue being raised by the victim doctors. The applicant even tried to pressurize the present victims to withdraw their complaints.

6. On an earlier occasion in the year 2021, one of the lady Doctor was harassed by the present applicant by inappropriately touching her, hence she filed a complaint against the present applicant. However, she was pressurized, therefore, she ultimately withdrew her complaint and left this Country permanently. She is now a lecturer in Scotland. She has now by e-mail lodged a complaint with the concerned police station against the present applicant. The applicant was in a very authoritative position in the medical college. He being a professor, who used to teach the victims. So also, he was a paper-checker of the examinations held. 50% of the marks of the PG

students were on internal assignment. Since all the six victims wanted to file a separate FIR and the police authority were not ready to accept six FIRs, due to which lot of time was wasted and ultimately only one FIR was filed. The victims are in complete shock and astonish as the applicant's family is still staying in the hospital quarters and if the suspension order of the applicant is set aside, he will come back to the colony and to his authoritative post and will ruin the career of all the victims lady doctors. The CV of the present applicant which is enclosed at page no. 110, shows that he is heading many committees including that of internal complaints committee under the Prevention of Sexual Harassment of Women at Workplace (Protection, Prohibition and Redressal) Act, 2013 (POSH). Due to the applicant's very authoritative position, no lady doctors, medical students and staff were ready to lodge a complaint against the applicant and because of the earlier complaint lodged by a lady Doctor, which was later withdrawn due to pressure from the applicant and the superiors, no-one was ready to lodge any complaint against the applicant. The applicant has not co-operated with the police. The applicant is a threat to all the female doctors and staff of the hospital. The applicant's custody is necessary for the purpose of investigation.

7. Ms.Kak, the learned A.P.P appeared on behalf of the State and submitted that as of today, statements of seven persons have been recorded under Section 164 of the Code of Criminal Procedure of the victims. Even a female staff member has come forward to lodge a complaint against the present applicant about inappropriate behaviour. So also, the medical students are coming forward to lodge a complaint against the present applicant. This is a second complaint officially lodged against the present applicant. The earlier complaint lodged by a lady Doctor, due to pressure created by the present applicant, the applicant has withdrawn it and the said doctor permanently left India. However, today when she came to know that six victim doctors have lodged complaint against the present applicant, she has also lodged her complaint with the police via e-mail.

8. On 9th April, 2025, the present victim alongwith other lady Doctors had met the wife of the applicant in order to inform her about the conduct of the present applicant. Though the wife of the applicant promised that she will look into the issue, however, on the same day, the applicant contacted Dr.Vivek Krishna and started enquiring with him why the victims are lodging complaints against

him. All the victims are now traumatized. The said applicant even earlier in the year 2013 was caught red handed while he was copying in law exam. A newspaper article to that effect had been published in the year 2013. His CV also mentions that he is a member of the committee formed by the hospital under the POSH Act. He is a very powerful person and is under a belief that no-one will come forward to speak against him. It will be necessary to interrogate him while he does not have any kind of protection.

9. I have heard the learned counsel for all the sides and have also considered the documents on record.

10. This is a case where the allegations are against member of POSH Committee of inappropriate behaviour with female Doctors by not one, but with six female Doctors. This is not for the first time that such a complaint has been lodged against the present doctor. Even in the year 2021, one lady Doctor had filed a complaint against him on 7th October, 2021 with the hospital authority under POSH Act. However, after lodging of the complaint, the said lady Doctor was pressurized by the superiors to withdraw the said complaint lodged against the present applicant. Being frustrated, she had no option, but to withdraw the complaint and she ultimately left this Country and

now resides in Scotland, and works as a lecturer in medical faculty. She has now by her e-mail lodged a complaint against the present applicant in detail explaining the incident which had occurred with her in the year 2021.

11. The present applicant before the FIR was lodged, was residing in the college campus alongwith his family. At present his family is still living in the quarters allotted by the hospital authority. Few of the female doctors are also residing in the hospital quarters. Though the applicant has been suspended from his duties, as of date he has not been terminated from his services. Therefore, if he succeeds in the proceedings initiated against him for suspension, there is likelihood that he will come back to the college and he will resume back to his duty as teacher for postgraduate where the PG students 50% marks are allotted in the internal assignments. So also, it is likelihood that he will be examiner, with a duty allotted to check the papers of students appearing for PG.

12. Apart from the doctors who have complained against him, even medical students are now approaching the police for lodging their complaint for inappropriate behaviour of the applicant, one of the student has lodged a complaint of inappropriate behaviour of the

applicant.

13. It is pertinent to note herein that as per the applicant's own case he is a member of POSH Committee which is established by the hospital. The complainant in her statement recorded under section 183 of the BNSS Act, has narrated the entire inappropriate behaviour of the applicant. In her statement recorded on 21st April 2025, she has mentioned about the act of the present applicant in the month of February 2025. It is stated that when she had been to the cabin of the applicant, the applicant was sitting in his chair, after some time under the pretext to see the mark entry, he got up from his chair and came near the complainant and touched her inappropriately on her back. The said touch according to the complainant made her uncomfortable. Similarly, five other lady Doctors have in their statement recorded with the police, and earlier their complaints to the hospital authority, have narrated the bad behaviour of the applicant when he had inappropriately touched them.

14. So also, a lady doctor who is now in Scotland, has informed the police about her earlier complaint lodged under the POSH Act, in the year 2021 which she had to withdraw due to pressure created by the present applicant and the seniors in the

hospital. Ultimately, she decided to leave this Country and is now staying in Scotland working there as a lecturer in the medical field.

15. So also a male doctor who was Assistant Professor, has in his statement narrated to the police, the inappropriate behaviour of the present applicant with various female doctors. Even a lady student has come forward to report to the police about the inappropriate behaviour of the present applicant. The students of the medical college are lodging complaints against the present applicant about his inappropriate behaviour. The antecedent against the present applicant where the lady doctor who is now in Scotland has complained about the inappropriate behaviour of the present applicant, has not been disclosed in the present anticipatory bail application.

16. Considering the documents on record, which has been produced before me, it seems that the present applicant has been behaving inappropriately for a long time, taking advantage of his highly influential post. It appears that no-one was ready to file complaint against the indecent acts of the present applicant. All the victims were traumatized and some of them due to the fear of their career being affected and also the fact that no support was given to

the lady Doctor who had filed complaint against the applicant, who was head of various committees, as he himself has disclosed in his CV attached at page 110, being a member of POSH Committee, apart from the medical field, he having completed LLB and LLM in Human Rights, there was a clear fear factor amongst female doctors in the hospital, medical students and female staff of the hospital. If he is granted pre-arrest bail, him staying in the hospital quarter, where the few victims are also residing, there is likelihood that he will take revenge against all the complainant - victims and there are high chances that he will repeat the same act.

17. Not only sexual harassment, but there is also a newspaper cutting of the year 2013 which shows that the present applicant was caught red handed while he was copying in his LLM examination (Human Rights). However, it has been argued before me that in the said complaint lodged for copying, he got a clean chit.

18. The Supreme Court in case of *Sumitha Pradeep vs. Arun Kumar C.K. and another*¹ in paragraph 12 has held as under :-

“..... In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that

1 (2022) 17 SCC 391

alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

(Emphasis supplied)

19. Eventually, one has to consider the emotional and psychological harm which is caused to the victims who are pursuing their medical courses, and considering the safety in a workplace like hospital morally and legally to protect women's dignity the present pre-arrest bail application requires to be rejected. Taking into consideration the documents on record and considering the view taken by the Supreme Court in above judgment, according to me, no case is made out to grant protection to the present applicant. **The anticipatory bail application stands rejected and disposed of accordingly.**

[RAJESH S. PATIL, J.]