

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

Anticipatory Bail Application No. 1180 of 2025

Satyvan Anant Nimbalkar

Flat No.403, Aryan Plaza Society,
Nandivali Gaon, Haji Malan Road,
Pisawali Gaon, Thane.

... Applicant

versus

1. The State of Maharashtra

At the instance of Sr. PI Rabodi
Police Station, Thane City.

2. X.Y.Z.

... Respondents

Mr Vishwanath Patil i/b Mr Sandesh More, for the Applicant.

Mr Pankaj Deokar, APP, for Respondent / State.

Ms Divya Pawar (Legal Aid), for Respondent No.2.

PI Krushna B Bhoje, Rabodi Police Station, Thane City.

Coram: R.N. Laddha, J.

Date: 12 June 2025

P.C.:

This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.164 of 2025, registered with Rabodi Police Station, Thane, for the offences punishable under Sections 69, 318(4), 336(1), 336(3), 351(2) of the Bharatiya Nyaya Sanhita, 2023.

2. As per the prosecution's case, the informant and the applicant/accused were employed as colleagues in the same organisation. Over a period of time, the applicant cultivated a personal relationship with the informant and gradually gained her confidence. Exploiting the trust she placed in him, the applicant made several false assurances regarding matters of great personal and professional significance, such as assisting her in conceiving a child and securing a permanent job with the BMC. Relying on these deceptive promises, the informant was induced to part with a substantial sum of money. The applicant has collected a total amount of Rs.13.90 lakhs from her under the pretext of fulfilling the said assurances. In addition to the cash amount, the applicant also took possession of her gold ornaments, thereby computing her financial loss. Moreover, the applicant availed a loan of Rs.1,94,538/-, either in the name of the informant or with a assistance, thereby increasing her liability. Taking all these components into account, the total financial loss suffered by the informant is stated to be Rs.16,74,538/-.

3. In addition to the financial exploitation, the prosecution contends that the applicant/ accused also subjected the informant to sexual exploitation and this was carried out under the false pretence of promising her in obtaining employment

with the BMC. By falsely representing that he had the means and influence to secure such a position for her, the applicant had induced the informant into engaging in sexual relations with him. These encounters reportedly took place at multiple hotels and various other locations. In an effort to further substantiate his false claims and maintain the illusion of legitimacy, the applicant sent the informant a forged and fabricated job confirmation letter, purporting to be from the BMC. This act, according to the prosecution, was intended to mislead the informant and continue the cycle of manipulation for the applicant's personal and unlawful benefit.

4. Mr Vishwanath Patil, the learned Counsel for the applicant contends that the FIR has been registered by respondent No.2 at the behest and under the influence of her husband, subsequent to the discovery of her extra-marital relationship with the applicant. It is submitted that there is an inordinate and unexplained delay in lodging of the FIR, which casts a serious doubt on the veracity and *bonafides* of the allegations made therein. It is further submitted that respondent No.2 had, at an earlier point in time, confided in the applicant that her husband was medically incapable of procreation and had expressed her desire to conceive a child with the applicant. The respondent has threatened the applicant that, in the event

he refused to comply with her demand, she would implicate him in a false case. It is also submitted that in an attempt to obtain financial assistance from her husband, respondent No.2 falsely represented to him that the applicant was facilitating her employment in the BMC and has used this pretext of attending meetings related to the said employment opportunity to obtain permission from her husband to meet the applicant without arousing suspicion about the nature of their relationship.

5. The learned Counsel for the applicant, further submits that the invocation of Section 69 of BNS is wholly misconceived and inapplicable in the present case, as there is no allegation or evidence to suggest that the applicant induced the respondent to engage in physical relations on the basis of any false promise of marriage or employment. According to the learned Counsel, the essential ingredients to attract the offence u/s 69 of BNS are not satisfied in the present matter.

6. Mr Pankaj Deokar, the learned Additional Public Prosecutor representing the respondent/ State and Ms Divya Pawar, the learned Counsel appearing on behalf of respondent No.2, jointly submit that the allegations levelled against the applicant are of a grave and serious nature. It is contended that the investigation is presently ongoing and is at a crucial stage.

The investigating officer has recovered and seized the forged appointment order which is central to the prosecution's case. It is further submitted that the forensic and digital evidence, particularly the WhatsApp communications exchanged between the informant and the applicant, *prima facie* disclose the commission of cognisable offences. The said chats suggest that the applicant may have misused the trust and emotional dependence reposed in him by respondent No.2 by falsely representing that he could secure employment for her in the BMC. The WhatsApp communications also suggest that the applicant threatened the informant to have 200 photographs of her. They argued that the applicant not only induced the informant to part with a substantial amount of money, but also, exploited her sexually under the pretext of facilitating such employment. It is submitted that the applicant has taken undue advantage of his position and the circumstances, and the gravity and seriousness of the allegations warrant no indulgence at this stage of the investigation.

7. Upon perusing the records, it appears that the learned Sessions Court at Thane, by its order dated 4 April 2025, rejected the applicant's pre-arrest bail application. The Court, while declining the relief sought u/s 438 CrPC, took cognizance of the gravity of the allegations levelled against the applicant,

which include serious charges pertaining to sexual harassment, cheating, and forgery that are punishable with severe punishment.

8. It appears from record that during the course of investigation, the investigating officer has recovered and seized a forged appointment letter which is alleged to have been fabricated and transmitted by the applicant to the informant. Furthermore, the WhatsApp communications exchanged between the applicant and the informant *prima facie* discloses the commission of cognizable offences and indicates the applicant's active involvement in the alleged criminal acts. *Prima facie* there is sufficient material to indicate that the applicant induced the informant to part with a substantial amount of money and exploited her sexually under the pretext of facilitating such employment. The investigation into the matter is currently ongoing, and the gravity and seriousness of the allegations warrants no indulgence at this stage of investigation.

9. In such circumstances, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

[R.N. Laddha, J.]