

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1202 OF 2025

Sudeep Mohan Nadig	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Aniket Nikam a/w. Mr. Sumit Patil, Advocate for the Applicant.

Mr. Anand S. Shalgaonkar, APP for the State.

Mr. Prabhakar Bhau Parse, Advocate for respondent No.2.

Mr. Dnyaneshwar Bedare, API D. N. Nagar Police Station Mumbai.

CORAM : RAJESH S. PATIL, J.

DATED : 6 MAY 2025

P.C.:

1. This is an application under Section 438 (1) of the Code of Criminal Procedure for anticipatory bail in connection with C.R. No.415 of 2025 registered by D. N. Nagar police station for the offence punishable under Section 376 (2) (n) of the Indian Penal Code.

2. It has been stated on behalf of the applicant that he is deaf and dumb. The applicant is a married man residing with his family. Since the complainant was allegedly extorting money from the applicant, the applicant's wife lodged a complaint against the first informant-victim

lady on 22 March 2025. Subsequently, in retaliation, the first informant-victim lady filed the present FIR on 4 April 2025. Till date, a sum of ₹4,00,000/- has been transferred by the applicant to the account of the first informant-victim lady. The applicant has fully cooperated with the investigation and has no intention of contacting the victim lady in any manner. Hence, the custody of the applicant is not warranted at all.

3. The learned APP, on instructions, submits that the custody of the applicant is not necessary at this stage, provided the applicant continues to cooperate with the investigation. The medical examination of the applicant is required, for which he has already extended his cooperation to the police authorities. Even the learned advocate for Respondent No.2 submits that the applicant should refrain from contacting the first informant-victim lady and continue cooperating with the investigation.

4. I have heard the learned advocates for both sides and perused the documents on record, including the complaint lodged by the wife of the applicant against the first informant-victim lady. After hearing both parties, I am of the view that, as of today, the custody of the applicant is not necessary. There are no prior criminal antecedents against the applicant. He is disabled, being both hearing- and speech-impaired. A disability certificate issued by the Government of India, placed on record at page no. 45, certifies that the applicant has 100% hearing

impairment. Furthermore, the fact that the applicant's wife had earlier filed a complaint against the first informant-victim lady on grounds of extortion, and that approximately ₹4 lakhs has already been transferred by the applicant to her account, has been substantiated by the photocopies of the relevant transaction entries annexed to this anticipatory bail application. The present FIR was subsequently lodged on 4 April 2025 by the first informant-victim lady.

5. In such a situation, according to me, a case is made out for granting Anticipatory Bail Application to the applicant.

ORDER

(a) The anticipatory bail application.

(b) In the event of arrest of the Applicant, C.R. No.415 of 2025 registered by D. N. Nagar police station for the offence punishable under Section 376 (2) (n) of the Indian Penal Code., the Applicant shall be released on bail furnishing P.R. bond to the extent of Rs.30,000/- each with one or more sureties of the like amount.

(c) The Applicant shall co-operate with the investigation and attend and meet the investigating officer of the concerned police station on 13 May 2025 and 14 May 2025 at 10:00 a.m. for the purpose of undergoing medical examination, and thereafter as and when required by the Investigating Officer..

(d) The Applicant shall not directly or indirectly make any inducement, threat or promise to victim and to any person acquainted with facts of case so as to dissuade him/her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(e) The Applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) The Applicant and his surety shall provide their respective mobile numbers, e-mail address and documents pertaining to the place of residence.

(g) The Applicant shall also refrain from contacting the victim, her family members, or the victim's relatives in any form/mode, including through online messages, until further orders of this Court.

6. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

(RAJESH S. PATIL, J.)