



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 658/2025

Shri Ravi s/o. Suryabhan Mendhe Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. P. Bhandarkar, Advocate with Mr. M. P. Kariya, Advocate for the Applicant.

Mr. D. V. Chauhan, Sr. Advocate/P.P. with Mr. V. A. Thakre, A.P.P. for the Non-applicant(s)/State.

Mr. Nazim Qureshi, Advocate for Non-applicant No.2.

CORAM : MRS.VRUSHALI V. JOSHI,J.

RESERVED ON : 29.09.2025.

PRONOUNCED ON : 03.10.2025.

. Heard.

2. The applicant has apprehension of arrest in Crime No.211/2025 registered at Police Station Bajajnagar, Nagpur for the offences punishable under Sections 74, 351(2), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The allegations are made against two persons, who are working in Parampujya Dr. Babasaheb Ambedkar Smarak Samiti, Dikshabhomi, Nagpur. The allegations about Arun Joseph are harassing and passing sexually coloured comments. The complainant has narrated one incident dated 23.07.2025, which is against this applicant. It is alleged that on that day at about 4.00 to 4.30 p.m. when the complainant was outside the college gate, the applicant came there, caught her hand and asked for sexual favour and told her that he would promote her as a Principal, if she sexually satisfy him.

4. The learned Counsel for the applicant has stated that the complainant is the Associate Professor in

Dr. Babasaheb Ambedkar College, Dikshabhomi, Nagpur, which is run by the Parampujya Dr. Babasaheb Ambedkar Smarak Samiti, Dikshabhomi, Nagpur. The various complaints were received by the management about her conduct and criminal mindset and she also give threats to the staff members. Because of which, the management has decided to initiate the action against the complainant. Three show-cause notices were issued to the complainant and the explanation was called. Her explanation was not satisfactory and, therefore, the management was about to take action against the complainant. The employees have also lodged the police complaint against the misbehaviour of the complainant. The applicant was closely associated with the earlier Principal Dr. Bhuvneshwari Ashok Mehare. Because of mismanagement and misappropriation, the previous Principal was removed from her post and reverted back in her faculty. The management was likely to take action against the complainant, which would resulting either termination or suspension. On the contrary, the complainant wanted that she would be promoted as a Professor. However, the management refused. Therefore, she has lodged the complaint against the applicant.

5. The learned Counsel for the applicant further stated that though the alleged incident took place on 23.07.2025, the crime is registered on 11.08.2025. There is delay of 18 days. Though she has stated that after the college is over at about 4.00 to 4.30 p.m. on 23.07.2025, when she was sitting on the driving seat in the car, the applicant hold her hand, but as per the college record, she was on leave during that period. The CCTV footage does

not show that the complainant left the said college during that period. The witnesses whom the prosecution has examined are the witnesses, who are supporting to the applicant. There is no any proof to prove that the applicant was in the college and the said incident took place on that day. She has falsely implicated this applicant in said case. Hence, prayed to protect the applicant by granting anticipatory bail.

6. The learned A.P.P. has opposed the application stating that the victim has herself narrated about the incident. Though she went to Police Station, the police have not recorded her statement. She was on leave during that period, therefore, there is no question of leaving the college at the relevant time. She was outside the college get, which was not covered under the CCTV footage and, therefore, said incident is not captured in CCTV footage. The applicant cannot take the advantage of it. The tower location of the witnesses discloses that they were present there and they saw the incident. The tower location of said witnesses proves that on that day said incident took place and they have given the statement. As the lady is harassed by the management, the custodial interrogation of this applicant is necessary. Hence, prayed to reject the application.

7. The victim/complainant appears through her Counsel and opposed the application stating that both the applicants harassed her. She went to Police Station but police have not taken cognizance of her complaint and, therefore, there is delay in registration of First Information Report. She has tolerated it. Being woman she was having

hesitation to disclose about the insult she faced, and, therefore, there is delay. The incident took place outside the college. She has not entered the college, therefore, there is no question of her picture into CCTV footage while leaving the college. The applicant met her outside the college and hold her hand. The guard, who has given the statement, was present there and the threats were given by the applicant to said guard to take back his statement. He has given said statement to the police. As the complainant/victim is sexually harassed at her work place, prayed to reject the application of the applicant.

8. Heard the learned Counsel for the respective parties.

9. The complainant is spinster, she has made allegation about the demand of sexual favour by the applicant. The applicant hold her hand and asked her for sexual favour and for which, he will promote her to the post of Principal. On perusal of the record, it appears that there are number of complaints against the applicant and also against the victim. The prosecution comes with the story that she has not entered the college, she is outside the college, however, in the First Information Report it appears that she has mentioned that between 4.00 to 4.30 p.m. at the time of leaving the college, the incident took place outside the college. If she has left the college, then the CCTV footage must captured her image while leaving the college. It is to be noted that only after watching the CCTV footage, the prosecution has come with the story that she was on leave, she has not entered the college and near the gate of the college the incident took place. The CCTV

footage of the outer side of college is not available. Thereafter, to ascertain the presence of the victim and the applicant at that place at the relevant time, the CDR was called. The Investigating Officer has provided the CDR's of the witnesses, who were present on that day in the college. The CDR of the victim and the applicant is not produced. When I questioned about the CDR of the victim, the learned A.P.P has stated that, on that day the victim had forgotten her mobile phone at her house, therefore, the location of her mobile was at her home.

10. Nothing is brought on record to support the case of the prosecution that, on 23.07.2025, the incident took place at the outside of the college. The serious allegations are made against the applicant, the documents which are filed on record are about the enquiry of the victim, thereafter, lodging of complaint, making allegation which were occurred before 18 and 84 days creates doubt in the mind.

11. The applicant has placed reliance on the judgment of the Hon'ble Apex Court in the case of *Siddharam Satlingappa Mhetre Vs. State of Maharashtra* reported in (2011) 1 SCC 694 wherein it is observed in paragraph No.113 as under :

"113. Arrest should be the last option and it should be restricted to those exceptional cases where arresting the accused is imperative in the facts and circumstances of that case. The court must carefully examine the entire available record and particularly the allegations which have been directly attributed to the accused and these allegations are corroborated by other material and circumstances on record."

The presence of the applicant and the victim on that day is doubtful.

Reliance is also placed on the judgment of the Hon'ble Apex Court in the case of *Satender Kumar Antil Vs. Central Bureau of Investigation and Anr.* reported in **2022 LiveLaw (SC) 577**, wherein the guidelines are given by the Hon'ble Apex Court while considering anticipatory and regular bail.

12. Considering the circumstances, the case is made out to release the applicant on bail. Accordingly, I pass the following order:

i] It is directed that in the event of arrest of the applicant in connection with Crime No.211/2025 registered at Police Station Bajajnagar, Nagpur for the offences punishable under Sections 74, 351(2), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, he shall be released on bail on furnishing PR. Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount.

ii] The applicant shall not in any way tamper with the prosecution evidence.

iii] The applicant shall not pressurize or threaten the prosecution witnesses.

iv] The applicant shall attend the concerned police station twice in a week i.e. on Monday and Saturday between 1:00 p.m. to 2:00 p.m.

v] The applicant shall co-operate the investigation officer.

The application stands disposed of.

(MRS. VRUSHALI V. JOSHI, J.)

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