

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3985 OF 2025

Atul S/O. Milind Chavan

...Applicant

Versus

State of Maharashtra

...Respondents

Mr. Vinod Kashid, with Abdul Shaikh & Sumit Bhoite, for the Applicant.

Ms. S. D. Shinde, APP for the Respondent-State.

Mr. Ajay Talreja (Appointed), for the Respondent No.2.

Mr. Prashant A. Jadhav, API attached to Kalwa Police Station, present.

CORAM: R. M. JOSHI, J.

DATED: 24th APRIL, 2026.

PC:-

1. The Applicant seeks bail in connection with Crime No. 0624 of 2025 dated 12th July 2025 registered with Kalwa Police Station, Thane City for the offences punishable under Sections 64, 64(2) (m), 115(2), 351(2) and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. The First Informant is a married lady, who alleges against the Applicant that on 27th January 2024, he established forcible physical relations with her. There is further allegation that the said incident was recorded and on the basis of threat to make the said recording viral, she was from time to time subjected to forcible

sexual intercourse by the Applicant. There is further allegation that last of such incident occurred on 11th November 2024. It is claimed that the Informant disclosed the said incident and earlier incidents to her husband on the day of '*Karwa Chauth*'. When the husband of the Informant tried to convince the Applicant, the Applicant threatened to kill him. Since she was subjected to sexual assault, the house and shop were sold and they went to their native place. The allegation is that, even at the native place, phone calls were made by the Applicant calling the Informant to come to Kalwa or else threatened her to make the video viral. It is further contention of the Informant that since the work was not available at the native place, they came back to Kalwa. It is at the intervention of the political personalities, the offence came to be registered against the Applicant.

3. Learned counsel for the Applicant submits that this is the case wherein, at the most the relationship between the Applicant and the Informant could be considered as consensual in nature. There is an argument that there is an unexplained delay in lodging of the report and the statement of the Informant that after 11th November 2024, she informed to her husband about the occurrence of those incidents on the day of '*Karwa Chauth*', is incorrect. According to him, there is material on record to show that the Applicant had paid money to the Informant's husband and when the Applicant started demanding the same back, the present report came to be lodged against the Applicant. It is his submission that in any case, after conclusion of the investigation and after filing of the charge-sheet, further custody of the Applicant is not

necessary. He claims that the Applicant has no criminal history and is not likely to flee from justice, if released on bail.

4. The learned APP and learned counsel for the Respondent No.2 oppose the Application. It is their contention that specific allegations are made by the Informant indicating that she was subjected to forcible sexual relations. It is also pointed that the delay in lodging the report is explained in view of the fact that the complaint was made to the Police Commissioner, Prayagraj in respect of the incidents in question. To support his submission, photo-copy of such complaint is filed on record, which is marked as 'X' for Identification. It is further argued that the call record between the Applicant and the husband of the Informant indicates that the Applicant threatened the husband of the Informant and abused him in filthy language. It is submitted that having regard to the serious nature of crime, the Bail Application deserves to be rejected. Learned counsel for the Respondent No.2 apprehends that the Applicant will pressurize the Informant and the witnesses in the crime, if he is released on bail.

5. Learned counsel for the Applicant, on instructions, makes a statement that the Applicant will not enter into jurisdiction of Kalwa Police Station till conclusion of trial.

6. At the outset, it needs to be recorded that the Informant is not minor but is aged about 34 years. She claims that first of such incident has occurred on 27th January 2024. It is claimed that since there was threat issued by the Applicant that he has recorded the said incident and would make the same viral, she was subjected to further sexual assault. During the course of investigation, no such

video is found. In the light of this fact, there is apparent delay in lodging of the report. This Court is conscious of the fact that delay in lodging the report by itself does not become ground for discarding the case of the Informant. However, the facts of the present case indicate that there are money transactions between the Applicant and the Informant so also, statement is sought to be made that after 11th November 2024, on '*Karwa Chauth*' day, she disclosed the incident to her husband is not supported by the material on record. Pertinently, report came to be lodged on 12th July 2025 whereas the '*Karwa Chauth*' fell on 9th October 2025.

7. Apart from this, perusal of the written complaint given to the Commissioner of Police, Prayagraj indicates that there was specific statement made therein that the Applicant has induced the Informant into the love relations. If it is so, there is a reason to believe that this could be case of consensual relations between the Applicant and the Informant.

8. In the light of these facts, when the investigation into the crime is complete with filing of the charge-sheet, this Court finds no reason/justification for not enlarging the Applicant on bail. Admittedly, the Applicant has no criminal history and is not likely to flee from justice, if released on bail. Hence, following order:

ORDER

(i) The Bail Application stands allowed in connection with Crime No. 0624 of 2025 dated 12th July 2025 registered with Kalwa Police Station, Thane City;

(ii) The Applicant be released on bail on furnishing P.R. Bond of Rs.30,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court;

(iii) As undertaken, the Applicant shall not enter jurisdiction of Kalwa Police Station till conclusion of trial;

(iii) The Applicant not to interfere into the evidence of the prosecution in any manner whatsoever;

(iv) The Applicant not to contact the Victim or any witness in this Crime in any manner whatsoever;

(iv) The Applicant to attend all the dates of hearing before the Trial Court except exempted by a specific order by the Trial Court;

9. The Bail Application stands disposed of.

(R. M. JOSHI, J.)

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