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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**BAIL APPLICATION NO.1483 OF 2022**

**SHRIRAM RAMSINGH JADHAV  
VERSUS  
THE STATE OF MAHARASHTRA**

Mr. S. G. Chapalgaonkar, Advocate for applicant;  
Mr. K. S. Patil, A.P.P. for respondent

**CORAM : S. G. MEHARE, J.**

**DATE : 10<sup>th</sup> October, 2022**

**PC.**

1. Heard the learned counsel for the applicant and the learned A.P.P for the respondent/State.
2. It has been alleged in the first information report that the victim got acquainted with the applicant and the co-accused first time around in 2021. It reveals from the allegations that one year before lodging the report, she willingly went with the accused in one hotel. Thereafter, they were talking on phone for six months. Thereafter, on 29.03.2022, both the accused and the victim again went to the same hotel along with her son. However, the video containing sexually explicit act had been transmitted. It has also been alleged that both the accused did unnatural sex with her, and thereafter, left her to her home. However, she was threatened not to disclose the incident. She lodged the report on 17.05.2022. The charge-sheet has been filed.

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3. The learned counsel for the applicant would submit that the victim never had the allegations of unnatural sex. They had good terms. However, due to the transmission of video clip, the victim felt danger to her life not from the applicant but from the another. He would argue that in the entire charge-sheet, there are no allegations that the said video clip was objectionable. The video clip was for twenty seconds only. It was immediately removed. Therefore, there is no question of its further transmission. The applicant is languishing behind the bar for more than four months. The applicant never caused harm to the victim or her family. However, some persons instigated her to lodge the report. The applicant would never cause harm to the victim and her son. There are no antecedents to the discredit of the applicant. He is from a middle class family. He is married and has a family responsibility. He has co-operated with the investigation. He undertakes not to threat the victim or tamper with the prosecution witnesses. The investigation has been completed. The trial would take its own time. Nothing is to be recovered from the applicant. Hence, he may be released on bail.

4. The learned A.P.P. Shri. Patil has vehemently opposed the application. He would point out that serious allegations of transmitting the video clip have been levelled against the applicant. Due to transmitting the video clip containing sexually explicit act, it is

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harmful to the life of the victim. The delay in lodging the first information report may be considered on merit. The offence is serious. The applicant may tamper with the prosecution witnesses. Hence, he may not be released on bail.

5. Perused the charge-sheet. The allegations are as discussed above. It reveals from the allegations that the victim and the accused were in relation for more than one and half years. First time, she had been to the hotel with the accused one year before lodging the report. Thereafter, they were in contact on telephone. Then they again went to the same hotel and the incident happened. It seems from the contents of the first information report and the material placed on record that the victim had no objection or complaints about the sex. No doubt, the sexually explicit act video was transmitted. It does not content the objectionable contents. The applicant is languishing behind the bar for more than four months. The investigation is completed. The victim and the applicant are the residents of different villages. Therefore, there is least possibility of tampering with the prosecution witnesses. The trial may take its own time. Since the investigation has been completed and there are no complaints of tampering with the prosecution witnesses against the applicant, it would be inappropriate to keep the applicant behind the bar. No doubt, the offences are apparently serious. However, as observed

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above, no purpose would serve keeping the applicant behind the bar for indefinite period. Therefore, stringent conditions may be imposed while granting him bail. Hence, the following order :-

- i) The application is allowed.
- ii) The applicant Shriram s/o. Ramsingh Jadhav be released on bail, on furnishing PB and SB of Rs.25,000/- with one solvent surety of the like amount, in C.R.No.204 of 2022 registered with Jamner Police Station, District Jalgaon, for the offences punishable under Sections 376(2)(j), 376(2)(n), 377 and 506 of the Indian Penal Code and Section 67(a) of the Information Technology Act,2008, on conditions (i) not to contact in any way or mode the victim till the conclusion of the trial. (ii) He shall not enter the place of the residence of the victim. (iii) He shall not threat the victim under the garb of sexually explicit act video nor make it public if its copy is with him. (iv) He shall attend the police station once in two months on every Monday, firstly on 17.10.2022, till the conclusion of the trial. (v) He shall not leave the country without leave of the Sessions Court.

**(S. G. MEHARE, J.)**

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