

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

BAIL APPLICATION NO. 1992 OF 2022

Aryan Ramashray Nishad ..Applicant
VS.
The State of Maharashtra ..Respondent

Adv. Rajas A. Naik for the Applicant.

Mr. S. H. Yadav, APP for the State.

PSI- S.S. Tembulkar, Boisar Police Station.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 16, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail by the applicant- Aryan Ramashray Nishad, in connection with C.R. No.I-71 of 2022 dated 19/02/2022, registered with Boisar Police Station, Palghar, under sections 376(2)(j)(n), 377, 384, 354(c) of the Indian Penal Code, 1860 and sections 66(e) and 67 of the Information Technology Act, 2000.

3. The prosecutrix at the relevant time was 32 years age. The statement of the prosecutrix came to recorded on

18/02/2022. It is the allegation that the prosecutrix was staying separately from her husband for more than 3 years as she had no concern with him. One of the complainant's acquaintance introduced her to the present applicant. It is alleged that sometime in March 2021, when the prosecutrix was alone at home, the applicant came to her residence and offered her a drink spiked with some substance. The applicant made an obscene video of the prosecutrix taking advantage of fact of her unconsciousness. The applicant threatened her that the video would be made viral. It is further alleged that the applicant was blackmailing the prosecutrix and had taken an amount of Rs.50,000/-, from time to time. The prosecutrix stated that the obscene video was forwarded to some of her acquaintances by the applicant to defame her.

4. From a reading of the First Information Report, *prima facie*, it appears that the applicant and prosecutrix were in a consensual relationship. So far as forwarding of the video is concerned, there is no material to indicate that the obscene video was, in fact, circulated/forwarded to anybody. The mobile phone on which the obscene video is alleged to be

seen has been sent to the forensic laboratory.

5. The applicant was arrested on 22/03/2022 and is in custody for more than 10 months. The trial is likely to take a long time to conclude. The investigation is complete and the charge-sheet has been filed. There are no criminal antecedents against the applicant. The applicant, therefore, can be released on bail. Hence, the following order.

ORDER

(a) Applicant- Aryan Ramashray Nishad, in connection with C.R. No.I-71 of 2022, registered with Boisar Police Station, shall be released on bail, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount;

(b) Unless called by the Investigating Officer, the applicant shall not enter the area of the Boisar Police Station where the prosecutrix is residing, till the trial is concluded;

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence;

(d) On being released on bail, 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;

(e) The applicant shall attend the trial Court regularly.

6. The application stands disposed of.

(M. S. KARNIK, J.)