MHCC050041032026

IN THE COURT OF SESSIONS AT DINDOSHI (BORIVALI DIVISION), GOREGAON, MUMBAI

CRIMINAL BAIL APPLICATION NO.729 OF 2026

Mr. Nilay Jashbhai Patel	)	
Age: 45 Years, Occupation : Business,	)	
R/o. 18/392, Satyagraha Chhavani,	)	**..Applicant/**
Satellite, Ahmedabad City, Gujarat 380015.	)	**Accused**

Versus

The State of Maharashtra	)	
(Through the Investigating Officer,	)	
Airport Police Station, Mumbai, C.R. No.118 of	)	
2026)	)	**..Respondent**

Appearance :
Adv. Mr. Dinesh Kadam a/w. Adv. Mr. Pratik Deore for the applicant/accused.
APP. Mrs. P.S. Rathod for the State.
Adv. Mr. Yashwardhan Tiwari for the intervener.

Coram : His Honour Additional Sessions Judge
Shri M. Mohiuddin M. A.
Court Room No.10

Date : 21st August, 2026.

ORDER

This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) for regular bail filed by the applicant in connection with Crime No.118 of 2026 registered with

Airport Police Station for offences punishable under Sections 64, 74, 75(2), 76 and 333 of the Bharatiya Nyaya Sanhita, 2023.

2. The facts of the prosecution case in brief are as under :

A. The prosecutrix has lodged the report that on 20.07.2026, she came to Mumbai to attend banking consulting meeting and on 20.07.2026 at 4.00 p.m. she checked in Room No.617, Hotel Taj, Santacruz. The applicant/accused is having his company namely Easy Pay Pvt. Ltd. and as the prosecutrix is in the business of banking consultancy and she knows the applicant since last one year.

B. On 21.07.2026 in between 3.30 to 6.30 p.m. she was having business meeting with the applicant at Hotel Taj. After the said meeting, she had been to Worli for her other work. Thereafter repeatedly, the applicant was calling her on whatsapp call. When she did not respond, he messaged her that "I would like to see You for drink, cancel your plan and meetings totally up to You, I always wants best for you let me if you want me to come fetch you from your floor, I have access to that floor, I realy want you to be in my life as a fond person and a friend, we are partying.... do you wanna joi?, will be fun". He sent several messages to her but sShe did not reply.

C. Thereafter on 22.07.2026 at about 00.30 hours, when the prosecutrix returned back to Hotel Taj, at that time also, he was messaging her. She became fed up of the same and replied to him that she is tired and came to Hotel Taj and sleeping in her room. Thereafter on 22.07.2026 at about 5.00 a.m. when she was sleeping in her room, she heard voice of door bell but she thought that it is her illusion. Therefore, she did not open the door. After 10 to 15 minutes, suddenly she noticed some movement in the room. When she opened her eyes, she found the applicant sitting towards her footh on her bed. On seeing the same, she was shocked and could not understand as to who opened her room from outside. Before she could realise anything, the applicant came near her and told her "Let me try". He tried to insert his tongue into her mouth. When she resisted, he inserted his hand into her underwear and tried to remove the same. Before she could realise anything, he inserted his finger into her private part. She forcefully pushed him and got released herself, shouted him and and asked him to go outside the room. Thereafter, she was crying. He tried to console her and hug her. When she asked him to go, he left the room. Thereafter, she was not understanding as to what to do, as she was afraid and after completing her day work, she received call of her sister. She disclosed the incident to her sister and thereafter, she lodged the report.

3. It is submitted on behalf of the applicant/accused that the prosecution case is on incorrect factual foundation. The applicant is in possession of contemporaneous documentary evidence in the form of email correspondence exchanged since the year 2020, which clearly establishes that the First Informant while working with the firm at New Delhi was actively coordinating and corresponding with Easy Pay Private Limited, its Directors, Officers and the applicant. She was actively associated with due diligence exercise undertaken by the firm. After their initial acquaintance through professional interactions, their relationship developed into a close personal relationship, which continued voluntarily and consensually over a considerable period. They both traveled together on numerous occasion and stayed together at various hotels across different cities. He relied on documents placed on record at page no.54 onward. It is submitted that the applicant is in

possession of hotel booking confirmations, invoices and other documentary records evidencing such travel and accommodation. It shows the parties voluntarily traveled together. It is submitted that the applicant had voluntarily extended substantial financial assistance to the informant and had borne expenses towards her travel. Hotel booking at Novotel Mumbai, Juhu Beach in the name of informant for the period from 19.05.2025 to 21.05.2025 involving accommodation charges was arranged on her behalf and amount was paid by Mr. Prateek Katyal, an associate of the applicant. It is submitted that over a period of time, the applicant had paid aggregating amount of approx. Rs.7 Lakhs to 8 Lakhs to the prosecutrix. The said repeated financial assistance was extended by the applicant through banking transaction, cash payment. It shows the parties shared close and consensual relationship. It is submitted that when the applicant expressed his inability to satisfy the subsequent exorbitant demand of prosecutrix of huge amount of money, the relationship deteriorated and the present criminal proceeding came to be initiated.

4. It is submitted that the present crime is based on documentary and electronic evidence including emails and other documents and for that purpose, the custodial interrogation of the present applicant is no more required. He is ready to co-operate the investigating agency. No purpose will be served by keeping the applicant/accused behind the bar. In support of his contention, the applicant relied upon screen shot and print out of whatsapp chat, screen shot of website of Easy Pay Pvt. Ltd. showing the details of Directors, statement of transaction, copy of FIR No.1285/2026, copy of remand papers of Crime No.103/2026, copy of remand order and other

documents including whatsapp chat.

5. Learned APP opposed the application on the ground that the offence is against a woman and it is serious offence. If the present applicant/accused is released on bail, the possibility of his tampering with prosecution evidence and pressurising witnesses cannot be ruled out. If the present applicant/accused released on bail, he will obstruct the smooth investigation. The present applicant is not resident of Mumbai. He is resident of Gujarat. He will not co-operate the investigating agency. Hence, prayed to reject the application.

6. Learned advocate for the intervener opposed the application on the ground that after commission of offence also, accused was following the victim in the hotel lobby for the entire day and he was in a heavily intoxicated state, unauthorisedly came into the room of th victim and committed the heinous offence. It is submitted that after registration of present crime, the relatives of the applicant were orchestrating a trap and result in arrest of the victim advocate through the brother-in-law of the applicant and friend to prevent the advocate from appearing before this court. There is no documentary proof to show that the prosecutrix is having any personal friendly terms. Their relationship was only professional and in related to business. The prosecutrix never stayed alongwith the applicant in any hotel. None of the documents indicate that they both stayed together in any hotel. With the assistance of Hotel Management, local police authorities were notified and following officials verification, FIR came to be registered. The brother in law of the applicant alongwith highly influential associate Lalit Kolhe, repeatedly approached the prosecutrix with aggressive demands and financial inducements to force a settlement. On

refusal, they registered a false crime in which the prosecutrix and her advocate were arrested. It is submitted that the investigation is in progress. If the present applicant/accused is released on bail, the possibility of tampering prosecution evidence cannot be ruled out. Hence, prayed to reject the application.

7. Considering the submissions and material placed on record, there is allegation against the applicant/accused that on 22.07.2026 at about 5.00 a.m. he without permission of the prosecutrix with help of other key opened the door of her room, when she was sleeping, entered her room and before she could realise anything committed the alleged offence. In the entire application, the present applicant/accused is claiming that he is having consensual relationship with the prosecutrix. He is not denying of entering in the room and about the alleged offence. He is claiming consensual relationship but to demonstrate any kind of such consensual relationship, nothing could be gathered from the documents placed on record by the applicant. Admittedly, as per FIR itself, the prosecutrix was having acquaintance and business connection with the present applicant since last one year and from the whatsapp chat placed on record, those are from 25.04.2025. From the whatsapp chat exchanged between the parties at the most it can be said that they were having friendly relations since last one year but from those whatsapp chat, it cannot be gathered that she consented for the said act or she was consenting party. It is true that on the basis of report lodged by the brother-in-law of the present applicant, the offence of extortion came to be registered against the prosecutrix and her advocate but only on that basis, it cannot be concluded that she lodged a false report and no such incident had happened. On the other hand, it is submitted that it was offer from the side of the relatives of the applicant, who called

the prosecutrix for a meeting to discuss about the settlement and when she refused, they lodged a false report. The said offence is already registered and its investigation is independently going on. At this stage, it appears that there is prima faie material against the present applicant/accused about his involvement in commission of the present crime. The investigation is in progress. Due to subsequent registration of crime, the matter became complicated and if at this stage, the present applicant/accused is released on bail, the possibility of commission of other crime, tampering of prosecution evidence, pressurising of witnesses and absconding of accused cannot be ruled out. Therefore, at this stage, the present applicant accused is not entitled for bail. Hence, I proceed to pass the following order:-

<u>ORDER</u>

Bail Application No. 729 of 2026 is hereby rejected and disposed off accordingly..

(Dictated and pronounced in open Court.)

DISTRICT COURTS MAHARASHTRA

Digitally signed by MOHAMMED MOHIUDDIN MOHAMMED ALLOUDDIN
Date: 2026.08.21 17:00:52 +0530

Date: 21.08.2026

(M. Mohiuddin M. A.)
Additional Sessions Judge,
City Civil & Sessions Court,
Borivali Division, Dindoshi
Goregaon, Mumbai

Dictated on	:	21.08.2026
Transcribed on	:	21.08.2026
Checked & signed on	:	21.08.2026

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER."

UPLOAD DATE AND TIME
21.08.2026 AT 4.55 p.m.

Mr. Atul S. Bhogte
NAME OF STENOGRAPHER

Name of Judge (with Court room no.)	HHJ Shri M. Mohiuddin M. A. (C.R.No.10)
Date of Pronouncement of JUDGMENT/ORDER	21.08.2026
JUDGMENT/ORDER signed by P.O. on	21.08.2026
JUDGMENT/ORDER uploaded on	21.08.2026