

MHNS010023772026



**ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 707 OF 2026**

(Ashwini Ashok Chainani vs. The State of Maharashtra through
Mumbai Naka Police Station, Nashik)

(A)	CASE DETAILS :-	
i)	FIR number and Date	163 of 2026, dtd. 02.04.2026
ii)	Police Station, District and State	Mumbai Naka Police Station, Nashik, Dist. Nashik (Maharashtra)
iii)	Sections invoked	75, 78, 79, 49 and 356 read with 3(5) of the BNS, 2023.
iv)	Maximum punishment prescribed	Imprisonment for a term up to 3 years and a fine.
(B)	CUSTODY & PROCEDURAL COMPLIANCE :-	
i)	Date of Arrest	10.04.2026
ii)	Total period of custody undergone	1 Month and 5 days
(C)	STATUS OF TRIAL :-	
i)	Stage of proceeding (Investigation/ Charge-sheet/ Cognizance/ Framing of Charges/ Trial)	Investigation
ii)	Total No. of witnesses cited in the charge-	N/A

	sheet	
iii)	Number of prosecution witnesses examined	N/A
(D)	CRIMINAL ANTECEDENTS :-	
i)	FIR No. & Police Station	-
ii)	Sections	-
iii)	Status (Pending/ Acquitted/ Convicted)	-
(E)	COERCIVE PROCESSES :-	
i)	Whether any non-bailable warrant was issued?	-
ii)	Whether declared a proclaimed offender?	-

The applicant/accused prayed for her release on bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in connection with C. R. No. 163 of 2026 registered with Mumbai Naka Police Station, Nashik, Dist. Nashik for the offences punishable under sections 75, 78, 79, 49 and 356 read with 3(5) of the BNS, 2023.

02] The survey of prosecution case as revealed from the recitals of FIR that informant/victim lodged complaint with the police *inter alia* alleged that since last three years, she was serving as an Associate in T.C.S. Company, Nashik branch. Amongst others Smt. Ashwini Chainani i.e. present applicant was her site head. Since January 2026 she was serving as an Associate under the the team leader Mr. Raza Meman. Her nature of work was to

contact the defaulters of the Axis Bank, who have obtained the vehicle loans and her work place was odessy-2, department. There are five team leaders including Raza Meman, Atul Pande, Manmit Kor, Sunny Khilnani, Nitali Jagzap and she was working under them. The work of the company was in two shifts.

03] It is alleged that in the month of May 2023, while she was alone in the training room, accused Raza Meman approached her and tried to develop intimacy by inquiring her personal details. He used to provide a word puzzle to solve and asked her to maintain secrecy of the same. The victim felt uncomfortable because of the undesirable advances of a Raza Meman.

04] It is further alleged that while she was alone in the office, accused Raza Meman gaze her strangely, he tried to interact with her though she was not willing, he tried to make undesirable touch. Because of the frequent undesirable incidents at the instance of Raza Meman, she had orally complained about him with their Quality/Training Manager Mr. Jayesh. However, he say that Mr. Raza Meman is not a person of good character and cautioned her to take care. Similarly, the victim had disclosed such incident with her team leader Nitali Jagzap and she also cautioned her to stay in a group and not to be alone at any time. When said Raza Meman came to know about the oral complaint filed by the victim, he deliberately connected the name of victim with her male colleague Abhishekh and defamed her by saying that she was having affair with said Abhishekh.

05] She has further alleged that in the month of November, 2025, she got married and after having lunch, used to

take a nap in the office. At that time said Raza Meman asked about personal questions of her life and marriage, which embarrassed her. In the month of February, 2026 when she approached Raza Meman for sanction of leave, as she intended to spend time with her husband at Goa. At that time the Raza asked whether she intended to go Goa of honeymoon and whether she drinks liquor. He used to stared at her from top to bottom in such a way that she felt molested. The act of Raza Meman amounts to her sexual harassment.

06] It is further alleged that said accused Raza with intent to harass her had manage her work in such a way that it cause heavy burden. Being frustrated with the acts of sexual harassment at the instance of the accused, she had complained about it with the Office Head namely Ashwini Chainani i.e. present applicant. However, without taking any action against Raza Meman, Danish and Taushif who were responsible for her harassment, Smt. Ashwini Chainani rather blamed her by saying as to why she want to be in highlight and ask her to let it go and thereby she has abated the accused in the commission of purported offence. Because of the in action on the part of Smt. Ashwini Chainani, the activities of the accused continue unabated.

07] It is further alleged that on 19.03.2026 on occasion of Gudipadwa festival, when the informant wore a saree to the office, at that time accused Shahrukh approached her and stared at her in a such way she felt embarrassed. She had repeatedly complained the accused before Smt. Ashwini Chainani but no

cognizance of the same was taken and it abated further activities of the accused. Hence, the complaint.

08] The bail is prayed mainly on the ground that the applicant Smt. Ashwini Chainani has been roped into the case on the allegation that being head (delivery partner) and she failed to take appropriate action on the oral complaints made to her and thereby abetted the alleged acts. It is denied that the applicant was in any way responsible for abetment of the alleged acts. The complaint is silent in respect of the specific day, date and time of the alleged incident of oral complaints. It is stated that the applicant was operating and posted at the Pune office of TCS and the day to day work at a Nashik office was not under her direct supervision. She had no knowledge regarding alleged incidents happened at Nashik office. She did not received any report or complaint of sexual harassment.

09] It is further alleged that the applicant is in police custody since 10.04.2026 and nothing is recovered or discovered at her instance. She has co-operated during investigation. Investigation is practically completed. The maximum punishment for the offence levelled against her is three years.

10] There is marriage of the son of applicant scheduled on 26.06.2026. Hence, prayed for released on bail.

11] The respondent-state has resisted the petition by filing reply *inter alia* contending that the applicant has failed to take timely cognizance of the oral complaints of sexual harassment made by the informant against co-accused and as a result the activities of the co-accused continue unbridled. The

investigation is in progress and in the event of release of applicant on bail the prosecution apprehends influencing witnesses and to tamper with the prosecution evidence. Hence, prayed for rejection the petition.

12] The Learned Advocate for the applicant would submit that the place of work of the applicant was at Pune, T.C.S. branch and she was not personally aware about the day to day incidents happened at Nashik T.C.S. office. It is further contended that the applicant has been discriminated and her name has been roped for not taking cognizance of oral complaints. It is argued that the informant had equally lodged complaint about the allegations of sexual harassment to the Quality/Training Manager Mr. Jayesh and the team leader Smt. Nitali Jagzap. Both of them have not taken any cognizance but they were not arrayed as an accused. In this context it is seen that the role played by the aforesaid person cannot be equated with the role of the applicant, in as much as said Mr. Jayesh and Smt. Nitali Jagzap have not only cautioned the informant about the immoral character of the accused Raza but also advised her to stay in a group to avoid any unword instance. On the contrary when such complaint was made by victim to present applicant Smt. Ashwini Chainani, without taking any preventive action, she rather blamed the victim for her intent to stay in limelight and also ask her to let go (the accused). Admittedly, the applicant Smt. Ashwini Chainani was the member of POSH Committee/Internal Committee and it was her responsibility to take appropriate action in the event of coming any complaint of sexual harassment, to her notice.

13] The recitals of FIR would highlight the gravity of offence wherein the co-accused namely Raza Meman and Shahrukh tried to develop intimacy with the victim by giving her word puzzle and ask her to solve them. They used to ask personal questions and frequently passed lewd remarks, asked intrusive and embarrassing questions such as how her marital life was going on and whether she was getting sufficient sleep, whether she was availing leave for going to honeymoon, whether she was habitual drinker etc. The averments in FIR, further reveal that accused Raza Meman and Shahrukh used to gaze at her from top to bottom with sexual intention and in the nature of molestation. Further, on occasion of Gudipadwa when she wore a sari to the office, said accused stalked her and passed lewd remarks about her physical appearance. The investigation would reveals that the atmosphere in the office had become so toxic that she had resigned from the post in March, 2026, just before the FIR was lodged.

14] Thus, it would be evident that the applicant Smt. Ashwini Chainani despite being a member of POSH Committee/Internal Committee demonstrated insensitivity to the oral complaints lodged by the victim and thereby not only she has shielded the accused but also abetted them to continue with their acts of sexual harassment. Smt. Chainani did not prevent the co-accused by taking appropriate action against them and waited till the crisis occurred. Her silence and insensitivity had endorsed the acts of the accused. She turned a blind eye and a deaf ear to what was happening in front of her. Despite lodging first FIR on

25.03.2026, she did not visited the T.C.S. office at Nashik, nor taken appropriate steps to check unbridled activities of the co-accused.

15] Victim cannot be blamed for delay in lodging the complaint in as much as she had promptly brought the circumstances to the notice of applicant Smt. Ashwini Chainani being member of POSH committee/Internal Committee.

16] The Learned Advocate for the applicant cannot be heard to say that the victim did not lodged any written complaint and therefore such complaint is after thought. In this regard a profitable reference can be made to the proviso of section 9 of, “The sexual harassment of women at work place (Prevention, prohibition and redressal) Act, 2013 which prescribes that where such complaint cannot be made in writing, the Presiding Officer or any member of the Internal Committee etc. as the case may be, shall render all reasonable assistance to the women for making the complaint in writing”.

17] The facts of the case would rather reveal that the applicant being the member of the Internal Committee did not render her assistance to the victim for making the complaint in writing as mandated by the provisions of said act. On the contrary the act of the applicant would reveal that she had blamed the informant for being in highlight and ask her to let go the accused.

18] As submitted by the Ld. Advocate for applicant there is a delay in lodging the complaint and therefore it smacks of after thought-ness. It can be seen that the complaint of sexual harassment has to be routed through the accused persons who

were the team leaders and the victim worked under them. She is coming from humble background and serving in the company to financially support her family and for economic independence. In the event of lodging complaint against her superiors, she would invite adverse consequences affecting her service, career and there is further apprehension that parents, spouse of the victim would rather ask her to quit the employment in view, of allegations of sexual harassment. Therefore, delay, if any, is prima-facie justified by the circumstances brought on record.

19] The Learned Advocate for the applicant vehemently submitted that there is glaring non-compliance of section 35(3)(4) (5) and (6) of BNSS in as much as arrest of the applicant was effected within short span from service of notice. It is responded by Ld. APP that as the applicant was not co-operating with the I.O. and considering the chances of flight risk, the I.O. has arrested applicant on short notice by mentioning reasons for such arrest.

20] The Learned Advocate for the applicant placed reliance on the Judgment of the Hon'ble Bombay High Court, Aurangabad Branch in **Criminal Application No. 2579 of 2021, dtd. 05.09.2022, Ajit vs. The State of Maharashtra and ors.** wherein it has been ruled that inaction on the part of a college Principal to take action against a faculty member, accused of harassment, does not amount to abetment under section 109 of the IPC, as contemplated under section 107 of the IPC. On that count, it is sought to canvass that even presuming that the applicant Smt. Chainani has failed to take action against the co-accused, it

does not amount to abetment, as alleged by the prosecution.

21] Perusal of the judgment would reveal that the Hon'ble High Court has observed that there is no evidence to prove that the Principal instigated, aided, or conspired with the accused faculty member. Hence, the proceedings against the Principal quashed. The facts of the case in hand would reveal that despite making complaint of sexual harassment by the informant, the applicant being the member of internal committee for taking cognizance in respect of the allegations of sexual harassment, not only she ignored the same but also insisted the information to let go the accused. Therefore, there is exist clear evidence of abetment by the applicant. Therefore, ratio relied upon by the Learned Advocate for the applicant is of no avail to them.

22] The investigation in the matter is at the nascent stage. Considering the influential nature of the applicant and co-accused there is every likelihood of influencing witnesses and tampering with the prosecution evidence in the event of release on bail. Hence, the application deserves to be rejected in terms of order below.

ORDER

Criminal Bail Application No. 707 of 2026 is rejected.

(Pronounced and dictated in open Court).

sd/-xxx

Place : Nashik
Date : 15.05.2026

(V. V. Kathare)
Additional Sessions Judge,
Nashik

