

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO. 255 OF 2022**

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|-----------------------------------|-----------------|
| Aviraj C. Kamble                  | ... Applicant   |
| V/s.                              |                 |
| The State of Maharashtra and anr. | ... Respondents |

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Mr. Niranjan Bhavake i/b Bhavake and Associates for the Applicant.  
Mr. Amit Palkar, APP for the Respondent – State.

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**CORAM     :     N.R. BORKAR, J.**  
**DATE       :     NOVEMBER 04, 2022.**

**P.C.**

1] This is an application under Section 439 of Code of Criminal Procedure for bail.

2] This Court on 21 October 2022 passed the following order:

*“1. Since learned counsel Mr. Ganesh Bhujbal appearing for the complainant is not available to work out the application, I am inclined to adjourn the matter after Diwali Vacation.*

*Learned counsel for the applicant, however, expresses an urgency.*

*Liberty to mention before the Vacation Judge.”*

3] Today again the learned counsel for the respondent No.2 is not present.

4] The applicant came to be arrested in C.R. No.769 of 2021 registered at Hadapsar Police Station, Pune City for the

offences punishable under Sections 354-A, 354-D, 363, 507, 509 read with 34 of the Indian Penal Code (IPC) and Sections 67, 67(B) of Information Technology Act and Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

5] I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

6] The learned counsel for the applicant has placed on record a copy of order dated 21 October 2022 passed by this Court in Bail Application No.1 of 2022 (*Shahid D. Dodamani vs. State of Maharashtra*), by which this Court granted bail to the co-accused. It is further submitted that all other co-accused have been released on bail. It is thus submitted that the applicant is entitled to be released on bail on the ground of parity.

7] On the other hand, the learned APP submits that considering the nature of offence, the applicant may not be released on bail.

8] I have perused the charge-sheet and more particularly the statement of the victim under Section 164 of the Cr.P.C. *Prima facie* the version of the victim that she gave mobile phone number to the present applicant as he threatened to kill her brother is hard to accept especially in view of her subsequent conduct of meeting the present applicant in odd hours of night. This Court has released the co-accused who has sent obscene video to the victim. Considering these facts

and as the charge-sheet is filed, I am inclined to release the applicant on bail. In the result, the following order is passed.

**ORDER**

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No.769 of 2021 registered at Hadapsar Police Station, Pune City for the offences punishable under Sections 354-A, 354-D, 363, 507, 509 read with 34 of the IPC and Sections 67, 67(B) of the Information Technology Act and Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station on first Monday of every month between 5:00 p.m. to 6:00 p.m. till conclusion of trial.

**(N. R. BORKAR, J.)**