

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

BAIL APPLICATION NO.1204 OF 2022

Pawan @ Buntty Ashok Zarpkar

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.A.K.Bhosle, Advocate for applicant

Mr.V.S.Badakh, APP for respondent no.1

Ms.Mangal Chavan (Manal), Advocate for respondent no.2 (appointed)

CORAM : R.G. AVACHAT, J.

DATE : SEPTEMBER 05, 2022

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0104 of 2022 registered with Jalgaon City Police Station, Jalgaon.

2. Heard learned counsel appearing for the parties.

3. The First Information Report (FIR) has been lodged by the victim on 26.04.2022, alleging therein the co-accused – Ritesh to have sexually exploited her about eight years before the FIR was lodged. The informant was minor by then. The applicant herein is said to be

the friend of co-accused – Ritesh, who has, allegedly, snapped the photographs of the informant and Ritesh, while they were in compromising position. The photographs have later on been made viral.

4. Learned APP and learned counsel for the informant/victim would submit that it is a serious offence. The victim, who was then minor, has been sexually ravished. The applicant snapped the photographs and the co-accused made them viral. It is informed that the cell phone has been sent to the C.F.S.L. for retrieving photographs therein. The report is awaited.

5. The FIR has been lodged eight years after the alleged incident. The applicant is not alleged to have sexually exploited the informant. Considering the role attributed to the applicant in the offence and that, on investigation, the charge sheet has been filed, the application deserves to be allowed.

6. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0104 of 2022 registered with Jalgaon City Police Station, Jalgaon,

on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

(iv) Fee of learned counsel appointed to represent respondent no.2 is quantified at Rs.6,000/- (Rupees Six Thousand).

[R.G. AVACHAT, J.]

KBP