

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2538 OF 2022

Swapnil Ganesh Misal ... Applicant

Versus

State of Maharashtra and another ... Respondents

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Mr. Kuldeep Patil instructed by Ms. Saili Dhuru for the Applicant.

Mr. A.R. Kapadnis, APP for the State.

Mr. R.P. Tajane for Respondent No.2.

Mr. Mahesh Dhonde, PSI, Karjat Police Station, present.

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CORAM : N.R. BORKAR, J.

DATED : 1 DECEMBER 2022

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 115 of 2022 registered at Karjat Police Station, Raigad for the offence punishable under Sections 376-D, 354-D of Indian Penal Code, Sections 4, 8, 13, 14 of the Protection of Children from Sexual Offences Act, 2012 and Sections 66 and 67 of the Information Technology Act, 2008.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. According to the prosecutrix, in May 2021, she got acquainted with the co-accused Ritik Thorave through Instagram. They thereafter started chatting with each other on Instagram. According to the prosecutrix, the co-accused Ritik Thorave told her to send her nude photographs and videos. According to the prosecutrix, when she refused to send photographs and videos, he threatened her that he would send chat between them to her family members. According to the prosecutrix, she got frightened and forwarded her nude photographs and videos to him.

5. It is alleged that after 15 days of sending photographs and videos she got message from another co-accused namely, Chaitanya Thorave and he told her that he is having her nude photographs and videos and he asked her to meet him. According to the prosecutrix, when she met the said co-accused Chaitanya Thorave, he kissed her and even touched her private parts. The prosecutrix has made the similar allegations against the co-accused Jitendra Deshmukh, Ganesh Thorave, Ashutosh Tamhane, Chaitanya Bhagwat and Viraj Bhoir.

6. As regard the present applicant, according to the prosecutrix, the present applicant had asked her to send her nude photographs and videos.

7. There are no allegations that she was threatened or compelled by the present applicant to send him, her nude photographs and videos. There are no allegations of sexual assault qua the present applicant.

Considering these facts, I am inclined to release the applicant on bail.

Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Swapnil Ganesh Misal be released on bail in Crime No. 115 of 2022 registered at Karjat Police Station, Raigad for the offence punishable under Sections 376-D, 354-D of Indian Penal Code, Sections 4, 8, 13, 14 of the Protection of Children from Sexual Offences Act, 2012 and Sections 66 and 67 of the Information Technology Act, 2008 on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not stay at Village : Gaurkamat, Tal : Karjat, District : Raigad till the conclusion of trial and shall seek permission of the trial court if he is required to enter the said village.
- (iv) The applicant shall furnish his residential address where he is going to reside after his release to the Investigating Officer.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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