

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3422 OF 2022**

Ganesh Balu Thorave

...Applicant

Versus

The State of Maharashtra and anr.

...Respondents

.....

Mr. Vishal Rankhambe for the Applicant.

Ms Veera Shinde, APP for the State.

Mr. Rajendra Tajane for the Respondent No. 2.

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CORAM : N.R. BORKAR, J.

DATED : 6 MARCH 2023

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 (IPC), 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 applicants, the learned APP for the State and the learned Counsel for the respondent No2.

4. There are in all ten accused. According to the prosecutrix, in May

2021, the co-accused – Rutik Thorve contacted her on her instagram account and thereafter they started chatting with each other. After few days, Rutik Thorve told her to send her nude photographs and videos. According to the prosecutrix, she refused. However, she alleges that as Rutik Thorve threatened her to show their chatting to her family members, she got frightened and was compelled to send her nude photographs and video to Rutik Thorve. According to the prosecutrix, Rutik Thorve then told her that he wants to meet her but when she refused to meet him, he threatened her that he would circulate her nude photographs and video to his friends. However, inspite of it when she refused to meet him, he stopped chatting with her.

5. According to the prosecutrix, after few days she got message from co-accused - Chaitanya Thorve on her instagram account and he told her that he is having her nude photographs and video. He told her to meet him or else he would make her photographs and video viral. There are allegations of sexual assault, against this co-accused as according to the prosecutrix, when she met this co-accused he touched her private parts.

6. According to the prosecutrix, after few days the another co-accused - Somesh Thorve contacted her, on her instagram account and told her that he is having her nude photographs and video. He too asked her to meet him. However, according to her, she did not meet him.

7. According to the prosecutrix, after few days another co-accused Jitendra Deshmukh contacted her on her instagram. He then made video

call to her. According to the prosecutrix, this co-accused told her that he is having her nude photographs and video and told her during video call to remove her clothes or else he would make her nude photographs and video viral. According to the prosecutrix, she got frightened and removed her clothes.

8. As regards applicant – Ganesh Balu Thorave though the allegations are of serious nature i.e., of penetrative sexual assault, however, it appears that the prosecutrix herself contacted him through social media. It appears that the prosecutrix on her own had forwarded her nude photographs to the applicant.

9. Apart from above, though according to the prosecutrix, the applicant subjected her to penetrative sexual assault, however, on her own she never disclosed about it to her parents. The report came to be lodged only when somebody told her uncle about her nude photographs and video which were being circulated on social media. The applicant is in jail for about one year, I am therefore inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant 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 enter into the limits of 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 into the limits of 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.)