

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 BAIL APPLICATION NO. 1506 OF 2025

SWARUP SUDAM KALE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. S.K. Kadam h/f. Mr. V.S. Kadam
APP for Respondent/State : Mr. P.P. Dawalkar

CORAM : ARUN R. PEDNEKER, J.
DATE : 18/08/2025

P.C. :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail as he was arrested in connection with Crime No. 777/2025 dated 24.07.2025 registered with Shirdi Police Station, District Ahilyanagar for the offences punishable under sections 79, 356, 3(5) of B.N.S., section 67-A of Information Technology Act.
3. Crime is registered on the basis of complaint filed by the father of the victim on 24.7.2025. In the FIR, it is alleged that on 23.7.2025 applicant has snapped photographs of the victim and her friend and by editing those photographs sent the same to co-accused through Snap-Chat, a private messenger service. By taking screen shot of those photographs, co-accused has forwarded those photographs to the victim on Instagram as a private message. Accordingly, complaint is lodged by the father of the victim against the applicant and other co-accused for the aforesaid offences.
4. The learned counsel for the applicant submits that the applicant is arrested on 24.7.2025 and since then he is behind bars. The learned counsel submits that investigation in the matter is substantially completed, the mobile through which photographs have been taken or image was generated is also

seized by the police at the instance of the applicant. The learned counsel submits that the applicant is only 18 years old and classmate of the victim girl and at the most, the act could be said as mischievous act, but there is no criminal intention to commit any offence. The learned counsel submits that the said photographs were shared through private messengers application between two persons and not publicly shared. The learned counsel submits that even if the allegations are taken as it is, it is transmission between two private parties and the photographs were not made public. The learned counsel submits that the applicant is young and first time involved and as the investigation is substantially progressed, he prays to release the applicant on regular bail.

5. Per contra, the learned APP submits that the obscene photographs of the victim were sent to the victim and because of this, she suffers mental trauma. The learned APP submits that if the applicant is released on bail, there is possibility that he may possibly get himself involved in similar kind of activities. The learned APP therefore prays to reject the application.

6. Having considered the above submissions and having perusal of the record, it appears that the mobile from which the alleged photographs were morphed and shared is seized. The applicant is of young age and the investigation in the matter is also substantially progressed and for first time, such kind of allegations are made against the applicant. The photographs were not made public and considering that the applicant is behind bars since last one and half months and considering that the maximum punishment provided for aforesaid offence is five years imprisonment, regular bail can be granted to the applicant by putting stringent conditions.

7. In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime

No. 777/2025 dated 24.07.2025 registered with Shirdi Police Station, District Ahilyanagar for the offences punishable under sections 79, 356, 3(5) of B.N.S., section 67-A of Information Technology Act, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not get himself involved in similar kind of offence.

c] The applicant, upon being released on bail, shall not contact the informant or witnesses in any manner whatsoever, during the pendency of the trial.

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

e] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

8. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

9. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/