

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 5358 OF 2024

Rajkumar Anandrao Mamilwad ...Applicant

Versus

The State of Maharashtra and Anr. ...Respondents

Mr. Amit Icham a/w Mr. Chaitanya Purankar, learned Advocate for the Applicant.

Mr. V. N. Sagare, learned A.P.P. for the State/Respondent.

Ms. Deepali Bagla, learned Advocate for Respondent No. 2.

PSI Mr. R. R. Mohite attached to Vadgaon Maval Police Station, Pune is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 2nd JULY 2025.

P.C. :

1. Heard Mr. Amit Icham, learned Advocate for the Applicant, Mr. V. N. Sagare, learned A.P.P. for the State/Respondent and Ms. Deepali Bagla, learned Advocate for Respondent No. 2.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 494 of 2020 registered with Vadgaon Maval Police Station, Pune for the offences punishable under Sections 376(2)(i) (n), 323, 504 and 506 of the Indian Penal Code Act, 1860 (“**IPC**” for short) and Sections 5(L), 6, 9(L) and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Mr. Amit Icham, learned Advocate for the Applicant submits that the abovesaid crime is registered as Special Case No. 213 of 2022, which is pending on the file of Additional Sessions Judge, Pune.

4. There are 2 accused in the said crime. Applicant is Accused No. 2, whereas Ganesh Krushna Bhosale is Accused No. 1.

5. Criminal Bail Application filed by the Applicant in Special Case No. 213 of 2022 was rejected by this Court vide order dated 9th December 2020.

6. Mr. Amit Icham, learned Advocate submits that the Applicant is seeking bail on the ground of parity. He submits that Ganesh Krushna Bhosale (Accused No. 1), who is the main accused in the crime, is released on bail by this Court by its order dated 21st November 2024. He tenders a photo-copy of the order dated 21st November 2024 passed in Criminal Bail Application No. 2601 of 2024, which is taken on record and marked as "X" for identification. He submits that the Applicant was arrested on 2nd November 2020 and he is in jail for a continuous period of 4 years and 8 months. He submits that the allegations and the involvement of Accused No. 1 in the crime, are similar and identical to the allegations made against the Applicant herein and therefore, seeks bail on the ground of parity. He submits that though the charge is framed on 1st April 2025, it is unlikely that the trial will be concluded in the near future. He relies on the orders of this Court in the case of *Vikas Chandrakant Patil v/s. The State of Maharashtra*¹ and *Niklesh Prakash Patil v/s. The State of*

¹ Bail Application No. 1963 of 2025 decided on 9th May 2025.

*Maharashtra*² in support of his contention for grant of bail on the ground of long incarceration. Mr. Amit Icham, learned Advocate on specific instructions from the Applicant states that the Applicant shall not enter into the territorial jurisdiction of Tal-Vadgaon Maval, till the conclusion of trial. Statement made by Mr. Amit Icham, learned Advocate is accepted.

7. Mr. V. N. Sagare, learned A.P.P. for the State/Respondent though acknowledges that the main accused, i.e., Ganesh Krushna Bhosale in the said crime being released on bail, he submits that the charge is now framed and therefore, the Applicant should not be given the benefit of bail on the ground of long incarceration.

8. Ms. Deepali Bagla, learned Advocate for Respondent No. 2 submits that the Applicant herein is involved in black-mailing Respondent No. 2 and taking advantage of Respondent No. 2. She submits that the charges in the crime are serious in nature. She submits that in the event the Applicant is released on bail, there are reasonable apprehensions of he interfering with the evidence of prosecution witnesses.

9. I have perused the records and the order dated 21st November 2024 passed by this Court in Criminal Bail Application No. 2601 of 2024 (marked as "X").

10. Perusal of the charge-sheet indicates that the allegations and the involvement of Applicant (Accused No. 2) are almost similar and identical to the allegations as made against Ganesh Krushna Bhosale (Accused No. 1). Applicant herein is alleged to have made

² Bail Application No. 1208 of 2025 decided on 8th May 2025.

obscene videos and taken photographs of the victim and thereafter, threatened to make the same viral. This Court after considering the case of Ganesh Krushna Bhosale, has released him on bail on the ground of long incarceration in the said case being 4 years. This Court in its order dated 21st November 2024 had put a specific query to the learned A.P.P. with reference to drawing of panchanama or seeking a report in relation to obscene videos and photographs, if any found in the mobile of Ganesh Krushna Bhosale. The said query was responded in the negative. A similar query was posted to Mr. V. N. Sagare, learned A.P.P., as the allegations against the Applicant is also of creating/recording of obscene videos and taking photographs from his mobile. Mr. V. N. Sagare, learned A.P.P. on instructions from the Investigating Officer, fairly states that no such material is made available on record.

11. Considering the abovesaid facts and the Applicant being similarly placed like that of Ganesh Krushna Bhosale (Accused No. 1) in the said crime, the Applicant would be entitled to bail on the ground of principle of parity.

12. Trial has not commenced in the said crime. Charge is framed on 1st April 2025. Mr. Amit Icham, learned Advocate for the Applicant therefore would be justified in his contention that there is no likelihood that the trial will be concluded in the near future.

13. Apprehensions expressed by Respondent No. 2 can be addressed by imposing conditions on the Applicant.

14. In view of the above, on the ground of long incarceration and on the principle of parity, the present Bail Application is allowed on

the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 494 of 2020 registered with Vadgaon Maval Police Station, Pune for the offences punishable under Sections 376(2)(i)(n), 323, 504 and 506 of the IPC and Sections 5(L), 6, 9(L) and 12 of the Protection of Children from Sexual Offences Act, 2012 on executing PR. Bond in the sum of Rs. 25,000/- (Rupees Twenty-Five Thousand Only) with one local surety in the like amount, to the satisfaction of the Additional Sessions Judge, Pune.
- b. Applicant shall not enter into the territorial jurisdiction of Tal-Vadgaon Maval, till the conclusion of the trial.
- c. Applicant shall provide his address and name of the nearby police station to the Investigating Officer, which he shall attend the said police station on 1st day of every month between 10.00 a.m. to 11.00 a.m., till the conclusion of trial except on the date of trial.
- d. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence.
- e. Liberty is granted to the State to apply for cancellation of bail, if the Applicant commits similar offence.

- f. Applicant shall attend the trial before the learned Trial Court regularly on every date unless exemption is granted by the learned Trial Court.

15. Criminal Bail Application No. 5358 of 2024 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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by GITALAXMI
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