

AGK

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

BAIL APPLICATION NO.578 OF 2025

Suraj Prakash Solanki	... Applicant
V/s.	
The State of Maharashtra & Anr.	... Respondents

ATUL
GANESH
KULKARNI

Digitally signed by
ATUL GANESH
KULKARNI
Date: 2025.07.17
18:34:39 +0530

Mr. Mohammed Umar Kazi with Ms. Sonia Santis for the applicant.

Mrs. Shilpa G. Talhar, APP for respondent No.1-State.

Ms. Komal Sinha for respondent No.2-victim (appointed as Legal Aid).

Mr. Anant More, PSI, Manpada Police Station, Dombivli (East) is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 17, 2025

P.C.:

1. The present application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on regular bail in connection with Crime Register No.1499 of 2021 registered with Manpada Police Station, Dombivli (East), for offences punishable under Sections 376, 376(2)(n), 376(3), 376DA and 506 of the Indian Penal Code, 1860, as well as under Sections 4, 6, and 10 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. The case of the prosecution, in brief, is that between the period 29th January 2021 to 22nd March 2021, the first

informant, a minor girl aged about 15 years at the relevant time, was allegedly taken by the accused persons on several occasions to different places, including the room of co-accused Bhavesh Mhaske, the room of co-accused Ashish Gaikwad, a room in a chawl near the house of Ashish Gaikwad, the house of co-accused Raj Patil at Vadavli, the house of one Datta Dada at Rabale, Navi Mumbai, a farmhouse located at Murbad, and a room at Kolegaon, near Badlapur Circle, Dombivli. It is alleged that at all these places, she was subjected to repeated sexual assaults by multiple accused persons, including the present applicant. The FIR further states that the accused persons had threatened the victim that they would make her private video viral on social media, and under such threat, she was subjected to sexual exploitation. Based on these allegations, the crime came to be registered.

3. Learned counsel appearing for the applicant submitted that the applicant has been in custody since September 2021 and has suffered prolonged incarceration. It is further submitted that the prosecution has cited as many as 121 witnesses, and the evidence of the victim has already been recorded. Learned counsel placed reliance on the fact that one co-accused, Darshan, who is alleged to have played a similar role as the present applicant, has been granted bail by a Coordinate Bench of this Court. It is contended that there is parity in role, and therefore, the applicant also deserves to be released on bail on the ground of parity.

4. On the other hand, learned Additional Public Prosecutor, as well as the learned Advocate appointed to represent Respondent No.2 – the victim, have strongly opposed the bail application. It is

submitted that at the time of the alleged incident, the victim was a minor, aged about 15 years, and the nature of the offence is most heinous and shocking to the conscience of the society. It is argued that the victim was repeatedly subjected to sexual assault by as many as 34 accused persons, including the present applicant. It is further pointed out that during her deposition, the victim has specifically identified the present applicant as one of the perpetrators, whereas she had not identified Darshan, who has been granted bail. Hence, the principle of parity cannot be pressed into service in the applicant's favour. It is thus prayed that, considering the gravity of the offence and the nature of the allegations, the application for bail deserves to be rejected.

5. I have carefully considered the submissions advanced by the learned counsel for the applicant, the learned APP for the State, and the learned Advocate representing Respondent No.2-victim. I have also perused the material on record, including the charge-sheet, the deposition of the victim, and the order granting bail to co-accused Darshan.

6. It is not in dispute that the present applicant has been in custody since September 2021, that is, for almost three years. The prosecution has cited a large number of witnesses—121 in total—and it is brought to my notice that the evidence of the victim, who is the star witness in this case, has already been recorded. Therefore, the possibility of the applicant influencing the testimony of the victim no longer survives.

7. So far as the issue of parity is concerned, it is the specific

submission of the applicant that co-accused Darshan, who is alleged to have played a similar role in the offence, has already been granted bail by a Coordinate Bench of this Court. Though it is pointed out by the prosecution that the victim did not identify Darshan in her deposition, but identified the present applicant, it is also to be noted that the overall role attributed to the applicant is not shown to be distinctively different from that of Darshan. Moreover, the question of identification can be tested during trial and cannot be the sole ground to deny bail in perpetuity.

8. The applicant is a young person, and further prolonged incarceration before conclusion of trial, which may take considerable time given the large number of accused and witnesses, would not serve the ends of justice. The trial is likely to be a long-drawn process, and continued detention may result in undue hardship and prejudice to the applicant's right to a fair trial. No material is placed on record to suggest that the applicant has attempted to tamper with evidence or threaten witnesses while in custody.

9. In view of the above circumstances, particularly the prolonged incarceration, completion of the victim's examination, and the bail granted to a co-accused having a similar role, this Court is of the considered view that the applicant deserves to be released on bail, subject to stringent conditions.

10. Hence, following order is passed:

- i) The bail application is allowed;

ii) The applicant is directed to be released on regular bail in connection with Crime Register No.1499 of 2021 registered with Manpada Police Station, Dombivalli (East) Police Station for offences punishable under Sections 376, 376(2)(n), 376(3), 376DA and 506 of the Indian Penal Code and Sections 4, 6, and 10 of the Protection of Children from Sexual Offences Act, 2012 , upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall report the Manpada Police Station, Dombivalli (East) on first and third Monday of every month between 10.00 a.m. to 12.00 noon, until further orders.
- b) The applicant shall cooperate with the Special Court for expeditious disposal of the trial. He shall attend the proceedings before the Special Court on each and every date, except when exempted for reasons to be recorded in writing.
- c) The applicant shall not leave the limits of district Thane, without prior permission of the Special Court.
- d) The applicant shall surrender his passport, if any, before the Special Court within one week of being released on bail.
- e) The applicant shall give the details of his active mobile numbers and his address to the Special Court within two weeks of being released on bail.

- f) The applicant shall not contact the victim in any manner during the pendency of the trial.
 - g) The applicant shall not influence the victim, witnesses or any other persons concerned with the present case during the pendency of the trial.
 - h) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.
11. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)