

Ajit

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1480 OF 2025**

Dhiraj Sunil Patil

...Applicant

Versus

State of Maharashtra and Anr.

...Respondents

Mr. Ashutosh Thipsay *a/w Achal Gupta a/w Tanvi Kadam i/b
S. S. Kharat, for the Applicant.*

Ms. Poonam P. Bhosale, *APP for the State-Respondent.*

Ms. Keral Mehta *for Respondent No.2. (Legal Aid Counsel)*

API – Hemant Dhole, *Manpada Police Station, Dombivali, is
present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 17TH SEPTEMBER 2025

PC:-

1. By way of this application, the Applicant seeks his release on bail in connection with C.R. No. 499 of 2021 dated 23rd September 2021 registered with the Manpada Police Station, Thane city for offences punishable under Sections 376, 376 (2) (n), 376 (3), 376 (d) (a) and 506 of IPC, 1860 and also Sections 4, 6 and 10 of Protection of Children from

Sexual Offences Act, 2012 (“POCSO Act”) along with Sections 37 (a) and 37 (b) of Information Technology Act, 2000 (“IT Act”)

2. The prosecution case, as discerned from the FIR, is that the victim was aged 15 years at the time of incident. She was introduced to one Akshay Mayekar a resident in her locality. He introduced her to other boys of the said locality and ultimately was also introduced to the main accused in the present matter namely one Vijay Phuke. It is her allegation that the said Vijay Phuke along with other accused gave her a spiked cold drink due to which she became unconscious and while in that state some of the accused sexually abused her. The incident was recorded by them on a mobile phone. It is her allegation that she was threatened by Vijay Phuke and other co-accused that they would make her photographs and videos viral on social media if she does not meet other boys and have sexual intercourse with them. She was thus,

systematically abused under threat of making viral, her videos and photographs on social media.

3. Further, it is her case that on 22nd March 2021, she was taken to the house of one co-accused Ashish Gaekwad where the other accused along with the Applicant herein were present. Once again, co-accused Vijay Phuke forcibly gave her a spiked cold drink due to which she felt dizzy and fell down. When she came to her senses, she found herself in the bedroom of Ashish Gaekwad. She saw Vijay Phuke collecting some money from other accused. Finally, she narrated her ordeal to her aunt and lodged the complaint with the police. The FIR thus, came to be registered. The Applicant had moved a bail application before the Trial Court and by order dated 10th March 2023, his bail application was rejected. Hence, he has filed the present application.

4. The thrust of Mr. Ashutosh Thipsay's argument is on the principle of parity. By order dated 1st October 2024, a co-ordinate Bench of this Court granted bail to co-accused Jay

Balu Shendge. The role attributed to Jay Shendge is precisely similar to that attributed to the Applicant. Mr. Thipsay has tendered the order dated 1st October 2024 passed by the co-ordinate Bench of this Court in Jay Shendge's matter. The same is taken on record.

5. Mr. Thipsay also placed on record an order dated 17th July 2025 passed by the co-ordinate Bench of this Court in the bail application of co-accused Akshay Venkat Pawar. Said Akshay Pawar is also enlarged on bail on parity with Jay Shendge. Mr. Thipsay thus submits that on the principle of parity, the Applicant must also be released.

6. Per contra, Ms. Poonam Bosale, learned APP, submits that this is a serious offence and the maximum punishment is life imprisonment. She states that the prosecution intends to examine 75 witnesses and considering the gravity of the offence, she resists the application of the Applicant. Ms. Keral Mehta, appearing for the Respondent No.2 supports the

contention of Ms. Bhosale however, fairly admits that this is a case of parity.

7. I have considered the submissions of learned Counsel for respective parties and perused the record with their assistance. Admittedly, investigation of the present case is completed. The evidence of the star witness, who is the victim, is also recorded. Co-accused Jay Shendge and Akshay Pawar, whose role is quite similar to that attributed to the present Applicant, are enlarged on bail by a coordinate Bench of this Court. While each case is to be decided on its own merits, the principle of parity requires that similarly situated accused persons should be treated similarly.

8. The allegations against the accused are serious. Offences of POCSO Act are also invoked. However, all these aspects are a matter of trial. The Applicant was 20 years old, when he was first arrested and now he is 24. He has a family comprising of his parents and brother and it appears that he has roots in the community. There is no material on record to suggest that he

will not attend the trial. The deposition of the victim is already recorded. There are in all 125 witnesses as per the list of witnesses, that prosecution wishes to examine. The voluminous nature of the record indicates that the trial may not be concluded in the near foreseeable future.

9. In view of the aforesaid discussion, more particularly that the co-accused, whose role in the offence is similar to that of the present Applicant and both the co-accused have been enlarged on bail, and also that he has already suffered incarceration of 4 years, I am of the view that the Applicant deserves to be released on bail, subject to terms and conditions as under:

- i) The Application is allowed and the Applicant shall be released on bail on furnishing PR. Bond of Rs.25,000 with one or two local sureties in the like amount.
- ii) He shall report to the Manpada Police Station, District: Thane, on the first and third Monday of each month during the pendency of the trial.

- iii) The Applicant shall cooperate with the Special Court for the expeditious disposal of the trial. He shall attend the proceedings before the Special Court on each and every date, except when exempted by the Special Court for reasons recorded in writing.
- iv) The Applicant shall surrender his passport, if any, before the Special Court within one week of being released on bail.
- v) The Applicant shall give the details of his active mobile number and his address to the Special Court within 2 weeks of being released on bail.
- vi) The Applicant shall not contact the victim in any manner during the pendency of the trial.
- vii) The Applicant shall not influence the victim, witnesses or any other persons concerned with the present case during the pendency of the trial.
- viii) Any infraction of the bail conditions shall entail cancellation of bail.

10. It is made clear that the observations made herein above in the present order are limited to disposing of the present bail application. The Special Court shall proceed on merits in the present case without being influenced by the observations made herein above.

11. The present bail application is allowed and disposed of accordingly.

(DR. NEELA GOKHALE, J)