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

BAIL APPLICATION NO.2166 OF 2025

Akshay Vyankat Pawar	... Applicant
V/s.	
The State of Maharashtra & Anr.	... Respondents

Ms. Anima Mishra a/w Mr. Anuj Singh & Vinod Patil
i/b Dhaara Legal for the applicant.

Mrs. Rajashree Newton, APP for respondent No.1-
State.

Ms. Priyanka Chavan for respondent No.2- victim
(appointed as Legal Aid).

Mr. S.A Maghade, PSI, Manpada Police Station,
Dombivali (East) is present.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 26, 2025

P.C.:

1. The present application has been filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in connection with Crime Register No. 499 of 2021 registered at Manpada Police Station, Dombivli (East). The case involves offences under Sections 376, 376(N), 376(3), 376(d)(a) and 506 of the Indian Penal Code, 1860, and Sections 4, 6, and 10 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), along with Sections 37(A) and 37(B) of the Information Technology Act.

2. According to the prosecution, during the period from 29th January 2021 to 22nd March 2021, the complainant, who was a minor girl of approximately 15 years of age, was allegedly taken by the accused persons on multiple occasions to various locations. These places included the room of co-accused Bhavesh Mhaske, the room of co-accused Ashish Gaikwad, a room in a chawl near Ashish Gaikwad's house, the residence of co-accused Raj Patil at Vadavli, the house of one Datta Dada at Rabale, Navi Mumbai, a farmhouse at Murbad, and a room at Kolegaon near Badlapur Circle, Dombivli. The prosecution alleges that at all these locations, the minor victim was subjected to repeated sexual assault by several accused persons, including the present applicant. The First Information Report further states that the accused persons threatened the victim that they would circulate her private video on social media platforms, and under such threats, she was compelled to submit to sexual exploitation. Based on these allegations, the present crime was registered.

3. The learned counsel appearing for the applicant has submitted that the applicant has been in judicial custody since 23rd September 2021 and has undergone prolonged detention. It has been further submitted that the prosecution has cited 121 witnesses in total, and the evidence of the victim has already been recorded before the Court. The learned counsel has drawn attention to the fact that co-accused Jai Shindge, who allegedly played a similar role as the present applicant, has been granted bail by a coordinate Bench of this Honourable Court. Based on this, it has been contended that there exists parity in the roles

played by both accused persons, and therefore, the applicant is also entitled to be released on bail on the principle of parity.

4. However, the learned Additional Public Prosecutor, along with the learned Advocate representing Respondent No. 2 (the victim), have vehemently opposed the bail application. It has been submitted that at the time of the alleged incident, the victim was a minor of approximately 15 years of age, and the nature of the offence is extremely serious and shocking to the conscience of society. It has been argued that the victim was repeatedly sexually assaulted by as many as 34 accused persons, including the present applicant. It has been further pointed out that during her testimony, the victim has specifically identified the present applicant as one of the perpetrators, whereas she had failed to identify Darshan, who has already been granted bail. Therefore, it has been argued that the principle of parity cannot be invoked in favour of the applicant. Consequently, it has been prayed that considering the serious nature of the offence and the gravity of the allegations, the application for bail should be rejected.

5. Having heard the learned counsel for the applicant, the learned Additional Public Prosecutor, and the learned counsel for the victim, and having perused the case record, this Court has considered the following factors:

6. The applicant has been in judicial custody since 23rd September 2021, which amounts to a period of over three years. The fundamental right to speedy trial, as enshrined under Article 21 of the Constitution of India, cannot be ignored. Prolonged

detention without trial violates the basic principles of criminal jurisprudence where bail is the rule and jail is the exception.

7. The investigation in the present case has been completed. The prosecution has cited 121 witnesses, which indicates the voluminous nature of the case. The evidence of the victim, who is the star witness, has already been recorded. The delay in completing the trial cannot be attributed to the applicant, and he cannot be made to suffer indefinitely for the same.

8. Co-accused Jai Shindge, who allegedly played a similar role in the commission of the offence, has been granted bail by a coordinate Bench of this Court. While each case must be decided on its own merits, the principle of parity demands that similarly situated accused persons should not be treated differently without valid reasons.

9. While the allegations are serious and involve a minor victim, it is pertinent to note that these are allegations that need to be proved during trial. The applicant is presumed to be innocent until proven guilty. The prosecution case is based primarily on the testimony of the victim, and the applicant's guilt is yet to be established beyond reasonable doubt.

10. The main evidence, including the victim's testimony, has already been recorded. The investigation is complete, and material evidence has been collected. The risk of the applicant influencing witnesses or tampering with evidence is minimal at this stage.

11. The applicant has deep roots in the community and has cooperated with the investigation process. There is no material on

record to suggest that he is a flight risk or likely to abscond if granted bail.

12. 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.

13. 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.499 of 2021 registered with Manpada Police Station, Dombivalli (East) Police Station for offences punishable under Sections 376, 376(N), 376(3), 376(d)(a) and 506 of the Indian Penal Code and Sections 4, 6, and 10 of the Protection of Children from Sexual Offences Act, 2012, and Sections 37(A) and 37(B) of the IT Act, 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.

14. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)