



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 649/2025

Akshay Chanduji Thool Vs. State of Maharashtra and Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. V. Rai, Advocate for the Applicant.
Mr. N. R. Rode, A.P.P. for the Non-applicant(s)/State.
Mr. A. S. Pande, Advocate for Non-applicant No.2.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 08/09/2025.

. Heard.

2. The applicant is arrested in Crime No.1091/2022 for the offences punishable under Sections 376(1), 376-D, 354-C, 363 and 506(II) of the Indian Penal Code and Sections 4, 6, 21 of the Protection of Children from Sexual Offences Act, 2012.

3. The applicant is one of the accused. The allegations are made against three persons about gang rape. On perusal of the First Information Report, it appears that the victim has made allegations about sexual intercourse against one of her friend – Akash. Thereafter, she has given the statement and added two more persons Sujeet and Akshay about the rape. She has made allegations that they took her forcibly and compelled her to consume beer, then all of them had sexual intercourse with her. Three different statements are made by the applicant.

4. The learned Counsel for the applicant has stated that one of the accused Sujeet Gawande is already released on bail by this Court. Hence, he has claimed parity.

5. The learned A.P.P. opposed the application stating that serious allegations are made against all the accused persons. The medical report shows that she has narrated the history after the incident and she has mentioned the names of these three persons. D.N.A. reports are also on record. Hence, prayed to reject the application.

6. The learned Counsel for the non-applicant No.2 has opposed the application stating that the gang rape was there. The active role of this applicant is there and he compelled her to consume the beer. Thereafter, all of them had sexual intercourse with her. Parity is not applicable in this case as the allegations are different. Hence, prayed to reject the application.

7. Heard the learned Counsel for the applicant, learned A.P.P. and the learned Counsel for the non-applicant No.2.

8. On perusal of record, it appears that initially, she has mentioned the name of only one person. Three statements were made by her and she has changed the version in each statement. She has involved all the three persons in serious offences. D.N.A. report shows that the accused Akash was involved in sexual act. Considering her inconsistent statements and as one of the co-accused is already released on bail by this Court, the parity is applicable in this case. Accordingly, I proceed to pass the following order :

a] The criminal application is allowed.

b] The applicant shall be released on bail in connection with Crime No.1091/2022 registered with Police Station, Hinganghat, District Wardha for the offences punishable under Sections 376(1), 376-D, 354-C, 363 and 506(II) of the Indian Penal Code and Sections 4, 6, 21 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

c] The applicant shall not enter into the vicinity of Hinganghat, District Wardha except attending the Court proceedings.

d] The applicant shall furnish his address wherein he is intending to reside after he is released on bail.

e] The applicant shall attend the proceedings before the Special Court without seeking any exemption and shall cooperate with the Court to dispose of the trial.

f] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case including the victim either by physical mode or through the electronic media.

g] The applicant shall not leave the jurisdiction of Wardha District without prior

permission of the Court.

h] The fees of the appointed Counsel be quantified as per rule.

The Criminal application is disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.)