



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.224 OF 2025
(Mr. Vicky s/o Tejram Likhar Vs. State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms A. Dangre, Advocate for the applicant.
Mr. V.A. Thakare, APP for the State.
Ms A.S. Mishrikotkar, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 25, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 28.09.2024 in connection with Crime No.413/2023 registered with Police Station Khapa, District Nagpur for the offences punishable under Sections 354-A, 354-D, 376(2)(n), 376-D, 376-DA and 506 of the Indian Penal Code and under Sections 4, 6, 11 and 12 of the Protection of Children from Sexual Offences Act 2012 and under Sections 67, 67(a), 67(b) of the Informant Technology Act, 2000.

2. Learned Counsel for the applicant submitted that the crime is registered on the basis of report lodged by the mother of the victim on an allegation that on 23.09.2023 the bother-in-law of the informant came to her house and informed her that open photos of her daughter have been leaked online. On inquiring about the same with her daughter, victim informed that on

02.03.2024 when she was returning home from school after her examination, the co-accused Dhiraj Hiwarkar restrained and demanded from her to send the open pictures to him and when she refused, he threatened to kill her father and caused loss to his shop. As a result, she got scared and sent her open pictures to said co-accused on Snapchat, then said co-accused asked her to meet him after 2 – 3 days, but she did not contact him.

3. It is further alleged that after few days when victim returning home after her examination, the co-accused Dhiraj met her again and asked her to meet him otherwise he would leak her open pictures. Thus, on threatening by making the said photographs viral, he has subjected her for sexual assault. On the basis of said report, police have registered the crime against the co-accused. She submitted that as far as present applicant is concerned initial two statements which are recorded on 26.09.2023 she has not named the present applicant but immediately on the same day another statement was recorded and in concluding para she has alleged that the present applicant has threatened her that he is having her photographs and sexually harassed her. She submitted that initial bail application of the present applicant is withdrawn with liberty to file after CA reports are received. Now, CA reports are received and which nowhere shows that any obscene photographs or videos are found in the mobile phone which is seized at the

instance of the present applicant. In view of that, as there is no other material to connect the present applicant, present applicant was not present when the alleged incident of Gang rape had taken place. Only allegation against him is that he by obtaining the viral photographs harassed her. She further submitted that as far as the first incident is concerned the applicant is not at all concerned, his name is not mentioned in the FIR. In a concluding para, in the third statement he is named.

4. Learned APP and learned Counsel for the victim strongly opposed the said application and submitted that considering the involvement of the present applicant is in a sexual harassment, his act is specifically narrated by the victim. Considering the nature of the incident which is grievous one and if applicant is released on bail he would tamper with the prosecution evidence. Learned APP has taken me through the entire statement of the victim and submitted that the statement discloses in what manner the alleged incident has taken place. Considering the gravity of the offence, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. On perusal of the investigation papers, there is no dispute as to the fact that in initial statement, name of the present applicant was not mentioned. In a last statement, she had made a statement that the applicant has threatened her that he is having the photographs and she

was sexually harassed by the present applicant. The mobile phone of the present applicant was seized in presence of the panchas and it was forwarded to the forensic analysis. The analysis report is before the Court which shows that no obscene photographs or images or videos are found in Exhibit 10 i.e. mobile phone of the present applicant. On the similar allegations, the other co-accused namely Pranay s/o Sunil Dekate is already released on bail. The similar role is attributed to the present applicant. Considering the same the ground of parity is available to the present applicant. In view of that the application deserves to be allowed. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) The applicant – Mr. Vicky s/o Tejram Likhar in connection with Crime No.413/2023 registered with Police Station Khapa, District Nagpur for the offences punishable under Sections 354-A, 354-D, 376(2)(n), 376-D, 376-DA and 506 of the Indian Penal Code and under Sections 4, 6, 11 and 12 of the Protection of Children from Sexual Offences Act 2012 and under Sections 67, 67(a), 67(b) of the Informant Technology Act, 2000 be released on bail on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not leave the jurisdiction of Nagpur district without prior permission of the District Court, Nagpur.

(iv) The applicant shall attend the concerned police station once in a month i.e. 1st day of every month, till culmination of the trial.

(v) The applicant shall not enter into the vicinity of village Khapa, Taluka Saoner, District Nagpur, till culmination of the trial.

(vi) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

(vii) The applicant shall attend the proceedings regularly before the Special Court without seeking any exemption unless there are exceptional circumstances.

6. The contravention of any of the condition would lead to the cancellation of bail.

7. The application stands disposed of.

8. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)