



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

**CRIMINAL APPLICATION (BA) NO.770/2025**

(Mr. Vikas S/o Chintaman Hedau Vs. State of Maharashtra and another)

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

Court's or Judge's orders

Ms. Ayushi Dangre, Advocate for the applicant.  
Mr. D.V. Chauhan, Senior Advocate and Public Prosecutor with Mr. A.M. Ghogare,  
A.P.P for non-applicant No.1/State.  
Ms. Anupriya Mishrikotkar, Advocate for non-applicant No.2.

**CORAM: MRS.VRUSHALI V. JOSHI, J.**

**DATE OF RESERVING THE ORDER: 9.9.2025.**

**DATE OF PRONOUNCING THE ORDER: 12.9.2025.**

Heard.

2. This is third bail application filed by the applicant to release him on bail in Crime No.0413/2023 registered by non-applicant No.1 for the offence punishable under Sections 354-A, 354-D, 376(2)(n), 376-D, 376-DA and 506 of the Indian Penal Code, Sections 4, 6, 11 and 12 of Protection of Children from Sexual Offences Act and Sections 67, 67-A and 67-B of the Information Technology Act.

3. The learned Public Prosecutor has raised an objection to the maintainability of this third bail application. The learned Public Prosecutor has submitted that the trial is initiated and one witness is already examined. The applicant has earlier filed two bail applications and withdrew the same. First bail application was withdrawn by the applicant with liberty to file fresh after filing of the forensic report of the mobile phone. After filing of said report, the applicant had again filed the second bail application which was withdrawn by him as the Court had shown disinclination after hearing arguments and after going through the record. While permitting the applicant to

withdraw second bail application, trial was expedited and liberty was not granted. Therefore, the learned Public Prosecutor has submitted that as the Court had heard the application and after going through the investigation papers and considering the involvement of the applicant, Court had shown disinclination to grant bail. It shows that the merits of the case were considered by the Court and, therefore, now again third bail application cannot be entertained.

4. Learned Advocate for the applicant has submitted that she has filed this application as there is a change in circumstance and in legal position. The learned Advocate has submitted that after withdrawal of second application, the application filed by one of the co-accused who is having similar role is allowed by this Court. Thus, ground of parity is available to the applicant. Moreover, the forensic report of the mobile of this applicant is also filed on record in which nothing incriminating against the present applicant is found and the report is negative. These are the changed circumstances. There is also a change in legal position as the co-accused is released on bail having similar role.

5. Learned Public Prosecutor opposed the present bail application stating that this cannot be the ground to entertain this application as the second bail application, which was withdrawn, was not with liberty and after full-fledged hearing of the application it was withdrawn by the applicant. Now parity is not available to the applicant. Hence, he has prayed to reject the application.

6. Heard both sides and perused the record.

7. The learned Advocate for the applicant has relied on the judgment of this Court in case of *Shrinivas Surendra Kanade V/s. State of Maharashtra* reported in **2018 SCC OnLine Bombay 15726**

wherein the second bail application filed by the applicant is allowed by this Court on the principle of parity. In case of *Sushant Santosh Mane V/s. State of Maharashtra and another* reported in **2020 SCC OnLine Bom 10819** on the principle of parity bail is granted to the applicant. The applicant has placed reliance on the judgment in case of *Jaspreet Singh V/s. State of Punjab* reported in **2024 SCC OnLine P & H 15037** and in case of *Harikesh V/s. State of Haryana* reported in **2025 SCC OnLine P & H 1998**. In case of *Chetan Kisan Patil V/s. State of Maharashtra* reported in **2025 SCC OnLine Bom 2403** this Court observed that if legal position is changed then the Court can grant the bail on the doctrine of parity. The Hon'ble Supreme Court in *Suraj Vijay Agrawal V/s. The State of Maharashtra (Special Leave to Appeal (Cri.) No.8432/2023)* on 21.8.2023 has granted bail as the co-accused was released on bail. In case of *Ramesh Bhavan Rathod V/s. Vishanbhai Hirabhai Makwana (Koli) and another* reported in **(2021) 6 SCC 230** the Hon'ble Apex Court has observed that it is for the Court before whom parity is claimed to determine whether case for grant of bail on the ground of parity is made out.

8. In support of her argument that the applicant is in jail since one and half years and for allegations made against him punishment is 3 years, he is already in jail for  $\frac{1}{2}$  period. The applicant has also relied on the judgment of the Hon'ble Apex Court in Criminal Appeal No.475/2025 (Narcotic Control Bureau V/s. Lakhwinder Singh).

9. The learned Public Prosecutor has placed reliance on the judgment of this Court in Bail Application No.1856/2024 (Vaibhav Babanrao Devkate V/s. The State of Maharashtra, decided on 18.8.2025, wherein it is observed in para No.16 as under:-

*“16. .... Every withdrawal of a bail application would then mean starting afresh and reopening the matter endlessly. This is not the intention of the law and not the purpose of judicial discretion. Courts, in criminal matters, cannot be become revolving doors where the same issues are brought up again and again without any new development.”*

10. I have considered the judgments cited by both the sides. As there is a change in circumstance and legal position as after withdrawal of second bail application, the co-accused having similar role is released on bail and the forensic report of mobile of applicant is on record. Considering these circumstances, the application is maintainable.

11. It appears that though the applicant has withdrawn the earlier bail applications, after withdrawal of said applications the bail was granted to the co-accused who is having a similar role. The allegations against this applicant is that he gave threats that he will viral the nude photographs of the victim on internet. The report of the forensic lab is on record which shows that nothing incriminating is found in his mobile and the mobile was without any password. Though the trial is initiated, the offences under Sections 376(2)(n), 376-D, 376-DA are not attracted against this applicant as the allegation about sexual intercourse is not made against this applicant.

12. *Prima facie*, it appears that for the allegations of making viral nude photographs of the victim, the offence under Sections 67, 67-A and 67-B of the Information Technology Act are attracted which is punishable for three years. Since one and half years the applicant is in jail. It will take time to complete the trial and as the co-accused, who is having a similar role, is already released by this Court, the ground of parity is available to this applicant.

13. For the aforesaid reasons, the application is allowed.

The applicant is released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

The applicant shall not leave the jurisdiction of Nagpur District without permission of the trial Court and shall attend the concerned police station once in a month on third Monday at 11 a.m.

(MRS. VRUSHALI V. JOSHI, J.)