

**Order below Exh.47 in Spl.Case (POCSO)No.102/2022**

**The State**  
**(Karjat Police Station).... Complainant.**

Vs.

**Chaitnya Sunil Bhagwat... Accused.**

01. This is an application, filed u/s 439 of Code of Criminal Procedure, for grant of bail filed by accused No.10 Chaitnya Sunil Bhagwat in C.R.No.115/2022 of Karjat Police Station.

02. In short the case of prosecution is as under-

The victim is informant. Her age on the day of lodging report was 13 years 5 months. She was studying in 8<sup>th</sup> standard. She stays with her parents. She used cell phone of her mother. In the month of March-April 2021, she opened her Instagram account. Initially she got acquaintance with accused No.7 through social media. She shared her nude photographs with him. Further these photos were shared with other accused. The other accused also contacted her through social media and shared nude videos and photographs with her. The role of present accused No.10 is to the extent of contact to her through Instagram and Facebook account. This accused through video call compelled the victim to remove her

clothes as well as he has shown his private parts to her during their conversation.

03. On that count the informant lodged the report dated 18/04/2022 at police station, Karjat. The police station Karjat registered Crime No.115/2022 for the offence under section 376-D, 354-D of the Indian Penal Code and under section 4, 8, 13, 14 of Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and section 66 and 67 of the Information Technology Act against present applicant/accused and other accused persons.

04. The applicant/accused is arrested on 18/04/2022 and produced before the Court on 19/04/2022 and initially remanded to police custody till 25/04/2022 and then remanded to judicial custody as per order dated 25/04/2022. The accused is presently in judicial custody.

05. By filing application for bail below Exh.47 it is the contention of the accused that he is innocent and has not committed any offence. He has been booked falsely with ulterior motive on account of previous enmity. He comes from very respectable family and there is no other offence registered against him. The

allegations in FIR are vague and omnibus. No specific date and time of offence is alleged against accused/applicant has been mentioned. Hence, prays for grant of bail.

06. Ld.Prosecution opposes the bail application by filing say below Exh.48 contending that if accused is released on bail he will hamper and tamper prosecution witnesses and will pressurize victim and her family members. The accused use to send messages to the victim from his mobile number on instagram. When the victim use to start talking with him the accused told her to make him video call and then he asked her to remove her clothes and show him her naked body. It is alleged that the accused is also shown his nude photographs on video call to the victim. The mobile phone of the victim and the accused are seized and will sent to the lab for analysis, hence prays to reject the bail application.

07. I have perused the charge-sheet and the statements of the witnesses as well as the material documents filed on record. I have also perused the order passed by Hon'ble High Court for granting bail to other two accused in this offence. It has been argued by Ld.Adv.for the accused that accused is behind bar for long time and due to which his entire family will suffer a lot. He is young boy of

about 21 years 4 months old having a very good academic background. He is doing well in curricular activities like musical instrument tabla. He has participated in number of school, college and University competition up till now. He has been facilitated for his activities number of times by social and educational institutions. The certificate for perusal are annexed alongwith list. The accused has passed second year of B.Com and he has to complete his graduation. Ld.Adv.Shri Prasad Patil further pointed out that two of the accused in this offence have been granted bail by Hon'ble High Court and therefore, accused also deserve bail on the ground of parity. Ld.Adv. filed order passed by Hon'ble High Court in Criminal Bail Application No.2538/2022 dated 01/12/2022.

08. On the Contrary Ld.Prosecution Shri Yerunkar vehemently argued that offence is of very serious in nature. There is sufficient evidence against this accused in charge-sheet. He submits that matter be expedited for early hearing because if accused is released on bail he may commit such type of offence again, therefore, prays to reject the application.

09. In view of the submissions made by both the sides and also taking into consideration the order passed by Hon'ble Bombay

High Court, releasing accused Swapnil Masal against which same type of allegations are made in the FIR. The Hon'ble High Court observed in para 6 of the order that present applicant according to prosecutrix had asked her nude photographs and video. So far this applicant Chaitnya is concerned the allegations are same case in FIR that he too had asked to send her nude photographs and video on video call. There were no allegations that victim was threatened and compelled by present applicant/accused to send him her nude photographs and video. There are no allegations of sexual assault against present applicant. The applicant is behind bar since the date of his arrest. Investigation has been completed and charge-sheet is filed on record. No purpose will be served to continue detention of 21 years old boy who is taking education in college. On some condition he deserves for grant of bail. Hence I proceed to pass following order.

### **ORDER**

1. The Application Exh.47 is hereby allowed
2. The applicant Chaitnya Sunil Bhagwat be released on bail in C.R.No.115/2022 registered with Karjat police station on furnishing P.R. in the sum of Rs.25,000/- with one or two sureties in like amount.

3. The applicant shall co-operate with the police as and when he was called.
4. The applicant shall furnished his permanent residential address to the investigation officer after his release.
5. The applicant/accused shall not directly or indirectly make any attempt to threat any prosecution witness and shall not in any manner tamper with the prosecution evidence.
6. Applicant/accused shall not leave jurisdiction of India without prior permission of the Court.
7. Applicant/accused shall not commit any offence while he is on bail.
8. Applicant/accused shall not enter locality where victim girl resides till disposal of the case.
9. Applicant/accused shall stay away from locality of the victim girl till disposal of the case.
10. Applicant/accused shall not leave Maharashtra State without permission of the Court.
11. Applicant shall attend court dates regularly.
12. Breach of any one of above conditions will be liable for cancellation of the bail.
- 13 Bail Application Exh.47 in Spl. (POCSO) Case No.

102/2022 stands disposed off accordingly.

Panvel  
Date- 27/12/2022

(Shaida Shaikh)  
Extra Jt.District & Addl.Sessions Judge  
Panvel-Raigad.