

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

**BAIL APPLICATION NO. 2304 OF 2017**

Akshay Shripad Rao

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Ashok Mundargi, Sr. Advocate I/b. Satyajeet Dighe for the Applicant.

Ms. J.S.Lohokare, APP for the State.

Mr. Prashant Mali for the Intervenor

Mr. Anil Patil, PI, Cyer Police Station, Nashik, present.

**CORAM : ANUJA PRABHUDESSAI,J.**

**DATED : OCTOBER 15, 2018.**

**P.C.**

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid applicant, who is facing trial in R.C.C. No. 1171 of 2017 pending before the learned JMFC, Nashik for offences under Section 354(a) and 354(c) as well as Section 67 and 67A of the Information Technology Act, 2000.

2. Heard Mr. Mundargi, the learned Sr. Counsel for the applicant and Ms. Lohokare, the learned APP for the State. I have perused the

records and considered the submissions advanced by the learned Counsels for the respective parties.

3. The records prima facie reveal that the aforesaid crime was registered pursuant to the FIR lodged by the victim. A perusal of the FIR reveals that the applicant herein had disrobed her, had made physical contact and advances involving unwelcome and explicit sexual overtures and taken her nude photographs and uploaded the same on 145 different porn websites. The material on record also indicates that the applicant had also taken such photographs of another victim and had also uploaded the said photographs on various porn websites. The mobile phone and laptop of the applicant were seized and were sent to Forensic Laboratory at Kalina. The report prima facie indicates that the said pictures were uploaded from the mobile and laptop of the applicant.

4. I have perused the photographs. The photographs which were uploaded on different porn websites contain sexually explicit act/conduct. Thus, the material on record prima facie indicates that the applicant is involved in committing offence under Section 353(A) and 354(C) of IPC as well as under Section 67 and 67A of the

Information Technology Act. The offence under Section 67A of the Information Technology Act is non-bailable offence. It is true that the said offence is punishable with imprisonment for a term which may extend to 5 years. However, considering the fact that the victims are two young girls, and there is every possibility of the applicant pressurizing the said victim girls and thereby thwarting the course of justice, in my considered view, this would not be a fit case to release the applicant on bail at this stage. Hence, the application is dismissed.

5. The learned Sessions Judge is directed to frame charge and to record evidence of the victims within a period of four months from the date of this Order. The applicant is at liberty to file fresh application after the evidence of the two victim girls is recorded.

. Application stands disposed of in above terms.

**(ANUJA PRABHUDESSAI, J.)**