

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

BAIL APPLICATION NO. 3048 OF 2022

Sunil Suresh Khatpe

..Applicant

VS.

The State of Maharashtra

..Respondent

Mr. Sanjeev Kadam a/w Adv. Prashant Raul, Adv. Mayur Goving Sanap a/w Adv. Vinod S. Chate and Adv. Kalpana V. Chate i/b Chate and Associates for the Applicant.

Mr. Anand Wagarulkar i/b Umeshchandra Yadav Patil, Spl. PP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 12, 2023

P.C. :

- 1.** Mentioned out of turn.
- 2.** Heard learned counsel for the applicant and learned APP for the State.
- 3.** This is an application for bail by the applicant- Sunil Suresh Khatpe, in connection with C.R. No. 56 of 2015 registered with DCB CID (MIDC Police Station CR No. 00 of 2015), under sections 120-B, 384, 388, 379, 376(2)(a)(i)(ii)(iii), 365, 366, 354-A(112), 170, 341, 342, 347, 323, 324, 327, 509, 506(2), 201, 211, 414 read with 34 and 114 of the Indian Penal Code, 1860.

4. The date of the incident is 2nd and 3rd April 2015. The applicant at the relevant time was working as Assistant Police Inspector. He was arrested on 24/04/2015 and is in custody for more than 7 years and 8 months. The investigation is complete and the charge sheet is filed. Learned Special PP appearing on behalf of the prosecution opposed the application. An affidavit in reply has been filed pointing out the case of the prosecution and the objection for releasing the applicant on bail.

5. Briefly stated, it is the allegation of the victim that the applicant committed an act which is an act punishable under the aforesaid sections. Learned special PP submitted that the trial has commenced and therefore, the trial could be expedited. As many as 16 witnesses have been examined. The prosecution has submitted a list of 122 witnesses. All the other accused have been released on bail. The charge sheet is filed and the investigation is complete.

6. The applicant is in custody for more than 7 years and 7 months without any possibility of the trial concluding any time soon. No purpose will be served by prolonging the

custody of the applicant. The victim has been examined and her cross-examination is over. Merely because the trial has commenced, is no ground to deny bail to the applicant, especially when the period of incarceration is more than 7 years and 7 months and the trial will still take a long time to conclude having regard to the number of witnesses that remain to be examined. It is not the case that the applicant will abscond or evade facing trial. There are no criminal antecedents reported. Though the accusations are serious as the act is alleged to have been committed by the applicant who was Assistant Police Inspector at the relevant time, I am inclined to release the applicant on bail, considering the long incarceration of the applicant as an under-trial prisoner. The seriousness of the accusations will have to be balanced with the applicant's right to speedy trial. The applicant will suffer the consequences if he is convicted. Any further incarceration can only be by way of a pre-trial punishment. Hence, the following order.

ORDER

(a) The Applicant- Sunil Suresh Khatpe, in connection with C.R. No. 56 of 2015 registered with DCB CID (MIDC Police

Station CR No. 00 of 2015), shall be released on bail, on furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(c) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(d) The applicant shall report to the concerned police station once a month i.e. on first Monday between 11.00 a.m. and 01.00 p.m. and thereafter as and when called.

(e) The applicant shall regularly attend the trial Court on the dates fixed.

7. The application is disposed of.

(M. S. KARNIK, J.)