

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

BAIL APPLICATION NO. 439 OF 2024

Jitesh Prakash Jadhav

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Shaikh Joyeb I.

APP for Respondent/State : Mrs. D.S. Jape

Advocate for Respondent No.2 : Mr. D. Y. Nandedkar (Appointed  
Through Legal Aid)

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**CORAM : S.G. MEHARE, J.**

**DATED : JULY 11, 2024**

**PER COURT:-**

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for respondent no.2/victim.
2. The applicant seeks bail in Crime No.20 of 2022 registered with Shrirampur City Police Station, District Ahmednagar for the offence punishable under Sections 363, 366(A), 354(D), 376, 376(2)(n) of the Indian Penal Code and Sections 4, 5(L), 6, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012.
3. The crime has been registered in the month of January 2022. The applicant was arrested on 09.01.2022. Since then, he is behind bar. The order sheet/roznama of the Trial Court reveals that the charges were framed on 15.11.2022 and on 30.11.2022, the case was posted for notice under Section 294 of Criminal Procedure Code.

Most of the roznamas reveal that the prosecution did not produce the accused from the jail though production warrants were issued. The applicant has a right to speedy trial. The prosecution failed to complete the trial within the reasonable period. Therefore, the applicant may claim bail provided the trial was not protracted at his end. So far as the merit concerned, the statement of the victim recorded under Section 164 is not fully supporting the prosecution. Considering the lethargy of the prosecution in producing the accused for trial, the Court could not expect the speedy trial.

4. For the above reasons, the applicant deserves bail. Hence, the following order :

### **ORDER**

- (i) Bail Application is allowed.
- (ii) Applicant, Jitesh Prakash Jadhav, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that;
  - (a) The applicant shall not tamper with the prosecution witnesses and shall attend the trial on each and every date.

(3)

- (b) The applicant shall not leave the place of his residence without the leave of the Court till the conclusion of the trial.
- (c) The applicant shall not contact the victim or any witnesses or pressure them.
- (iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad do pay the fees of the appointed counsel for respondent no.2/victim as per schedule.

**(S.G. MEHARE, J.)**