



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 BAIL APPLICATION NO. 1515 OF 2024

SUMAN MADHUKAR PAGARE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Navin S. Shah h/f Mr. Natu
Sharad V.

APP for Respondent-State : Mr. A. S. Shinde.

Advocate for Respondent No.2 : Mr. Shriniwas Kulkarni
(Appointed Through Legal Aid).

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CORAM : S. G. MEHARE, J.

DATE : 21.10.2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for respondent No.2.

2. The applicant seeks bail in Crime No.666 of 2022, registered with Shrirampur City Police Station, District Ahmednagar, for the offences punishable under Sections 366-A, 368, 370(4), 370(7)(A)(1), 372, 373, 376(2)(N)(J), 376(D), 201 of the IPC, Sections 3, 4, 5-G, 6 and 17 of the POCSO Act, Sections 3(1)(w)(i)(ii), 3(2)(v) and 3(2)(v-a) of the SC and ST Act and Sections 3(1)(II), 3(2) and 3(4) of the MCOC Act.

3. By this successive bail application, the applicant seeks bail on the ground that there was no progress in the trial. He is languishing in jail for more than two years. There are no hopes of speedy trial in near future. To buttress his argument, he relied on the case of *Sheikh Javed Iqbal Vs. State of Uttar Pradesh ; (2024) 8 Supreme Court Cases 293* and *Javed Gulam Nabi Shaikh Vs. State of Maharashtra and another ; 2024 SCC OnLine SC 1693*.

4. Learned counsel for the victim and learned APP for the respondent/State would submit that the applicant was the main accused who trapped the victim and forced her into the prostitution. Twice the victim was raped. The other co-accused are hardened criminals. The offence is serious. The question of safety of a minor girl is involved. The statement of the victim is very specific alleging against the applicant that she forced her to indulge in the prostitution business. In such circumstances, his incarceration for more than two years is no ground to grant him bail. The ratio laid down by the Hon'ble Supreme Court in the above cited case laws did not assist the applicant because it was a conspiracy and spoiling the life of a young girl. The young girl who was made victim had lost the future due to the

acts of the applicant. Therefore, she should not be granted bail.

5. Though these two judgments are referred to the earlier judgment of the Hon'ble Supreme Court in case of *The State of Bihar Vs. Amit Kumar @ Bachcha Rai ; (2017) 13 SCC 751*, the Court has discussed the incarceration of the accused. In that case, the Hon'ble Supreme Court observed that when the offence is grave and serious, such incarceration would not be a ground for bail. So, considering the ratio laid down in the above case, it cannot be said that a long incarceration of the accused, if the offence is grave and serious, bail should not be granted only on that ground. This Court has already taken the view against the applicant and her earlier bail application was rejected. Her acts were affecting the social health, a life of a young girl was put in danger. The applicant and victim are well acquainted, so the apprehension of tampering with the prosecution witnesses can also not be ruled out. However, the prosecution as well as the Trial Court is reminded to proceed with the matter on V. C. and the Court should not grant the exemption to the co-accused casually.

6 Hence, for the above reasons, the bail application stands dismissed.

7. The Secretary, High Court Legal Services, Sub-Committee, Aurangabad do pay the legal fees to advocate Kulkarni, as per the schedule.

(S. G. MEHARE, J.)

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vmk/-