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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3144 OF 2023**

Gangaram N. Khande ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Nitin Kamble a/w. Mr. Vaibhav Chandrashive for the Applicant.
Ms Rutuja Ambekar, APP for the Respondent.

**CORAM : N. R. BORKAR, J.
DATE : 3 FEBRUARY 2024.**

PC:-

1] This is an application under Section 439 of Code of Criminal Procedure for grant of bail.

2] The applicant came to be arrested in C.R. No.503 of 2016 registered at Khed Police Station, Pune for the offences punishable under Sections 376 and 354-A of the Indian Penal Code and Sections 4,6, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 2 and 3 of Anti Superstition and Black Magic Act, 2013.

3] By order dated 28 February 2023 in Bail Application No.3628 of 2021 filed by the applicant, this Court directed the trial Court to conclude the trial as early as possible. The said order reads thus:

“Considering the fact that the applicant is in jail for about 7 years, the trial court shall endeavour to conclude the trial as early as possible. If the trial is not concluded within a period of 6 months from the date of receipt of copy of this order, the applicant is at

liberty to file a fresh bail application. The application is disposed of in aforesaid terms.”

4] The learned counsel for the applicant submits that inspite of above order there is no progress in the trial and not a single witness has been examined. It is submitted that the applicant is in jail for more than 7 years. It is thus submitted that the applicant may be released on bail.

6] On the other hand, learned APP for the respondent / State submits that the applicant is involved in the serious offence of penetrative sexual assault on minor girl. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7] Inspite of order of this Court to conclude the trial as early as possible, the trial is at the same stage. The applicant is in jail for more than 7 years. The trial is not likely to conclude in near future. I am therefore, inclined to release the applicant on bail. In the result, the following order is passed.

O R D E R

(i) The Application is allowed.

(ii) The applicant be released on bail in C.R. No. 503 of 2016 registered at Khed Police Station, Pune for the offences punishable under Sections 376 and 354-A of the I.P.C. and Sections 4, 6, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012

and Sections 2 and 3 of Anti Superstition and Black Magic Act, 2013 on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Thousand) with one or two sureties in the like amount.

(iii) The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

(iv) The applicant shall not tamper with the prosecution witnesses.

(N.R. BORKAR, J.)