

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

CRIMINAL BAIL APPLICATION NO. 3259 OF 2024

Sanket @ Banti Sanjay Kalewad ...Applicant

Vs.

The State of Maharashtra and Others ...Respondents

**SAYALI
DEEPAK
UPASANI**

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SAYALI DEEPAK
UPASANI
Date: 2024.10.09
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Mr. Prabhanjan Gujar with Ms. Yogita Tambe i/b Mr. Sudarshan J. Salunke, Advocate for Applicant.

Mr. M. Ansari, Advocate for Respondent No. 3, Appointed through legal aid.

Mr. S. S. Ghag, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 8th OCTOBER, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 949 of 2020 registered with Vijapur Naka Police Station, Solapur City for the offences punishable under Sections 363, 376, 387, 354-C, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860, Section 3A read with Section 4, 8 and 12 of Protection of Children for Sexual Offences Act, 2012 and Section 67 and 67B of the Information Technology Act, 2000.

- 3) The applicant is in jail from last about four years and till date even charge is not yet framed. There are more than twenty witnesses. Thus it is apparent that there is no end of trial in sight.
- 4) The earlier application was rejected on the grounds of two antecedents, however, it is informed that in one of the matters, the applicant is acquitted.
- 5) The learned APP and the learned Counsel for the victim have strongly opposed the application on the ground that there is sufficient material available against the applicant and there is possibility that he would pressurize the victim or may tamper with the prosecution evidence if he is released on bail.
- 6) Considering the long period of incarceration and the fact that there is no end of the trial in sight, I am of the opinion that the applicant is entitled for grant bail. As far as the apprehension expressed by the learned APP and the learned Counsel for respondent No. 3 -victim is concerned, the same can be addressed by imposing stringent conditions.
- 7) At this stage, the learned Counsel for the applicant, on instructions, submits that the applicant is ready to abide any condition even a condition not to enter in the Solapur City.
- 8) Accordingly, I pass the following order.

ORDER

- (i) The Bail Application is allowed;
- (ii) It is directed that the Applicant shall be released on bail in Crime No. 949 of 2020 registered with Vijapur Naka Police Station, Solapur City for the offences punishable under Sections 363, 376, 387, 354-C, 323, 504 and 506 read with Section 34 of

the Indian Penal Code, 1860, Section 3A read with Section 4, 8 and 12 of Protection of Children for Sexual Offences Act, 2012 and Section 67 and 67B of the Information Technology Act, 2000, on furnishing PR. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

(iii.) The applicant shall not enter into the territorial jurisdiction of Solapur City till the conclusion of the trial except on the date of trial;

(iv.) The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st day of every month between 12.00 noon to 2.00 p.m., till the conclusion of the trial except on the date of trial;

(v) Liberty is granted to the State for cancellation of bail in case Applicant breaches any of the conditions and/or if the applicant commits similar offence;

(vi) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

The application is disposed of.

[ANIL S. KILOR, J.]