

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

Bail Application No. 4548 of 2024

Shailesh Prabhakar Bhambardekar

@ Pratham Mane

... Applicant

V/s.

The State of Maharashtra

... Respondent.

Miss Apeksha Vora i/b. Mrs. Poonam Karande	Advocate for the Applicant.
Mr. H.J. Dedhia	APP for the State.

CORAM : S.M. MODAK, J

DATE : 12 December 2024.

P.C. :

Heard learned Advocate for the Applicant and learned APP.

2. It is true that earlier bail application filed by this applicant was withdrawn because this Court was not willing to grant him bail on 14 July 2023 in Bail Application No.679/2022, however, liberty was granted to apply again if the trial did not start within one year. The learned Advocate placed on record copy of Roznama dated 11 December 2024. The same is taken on record, marked as annexure-X. It records accused was not produced and matter is adjourned to 21 January 2025. In fact, when I have perused it carefully, I find the Roznama is not of the case pertaining to the offence of Vishnu

Nagar Police Station in which he is seeking bail. It is fortunate that this Court realised that this Roznama is of different case. The learned Advocate should take care in future in placing the documents which are relevant to the case. It is returned back to learned Advocate.

3. In fact the Roznama of the present case is dated 24 October 2024. Now the matter is kept on 17 December 2024. Now this roznama is marked as annexure 'X'. When I have confirmed with the learned APP about the stage of the trial, on the basis of instructions, the learned APP submitted that yet witness summons are not issued.

4. Though learned advocate tried to convince me about the merits, that is to say whether the offence under Section 376 is made out or not or whether it is purely an offence under Sections 420, 406, I am not convinced with those arguments. It is the question to be gone into at the time of conduct of the trial. There are sufficient materials against the applicant to show his *prima facie* involvement. After this offence he is also arrested in an offence with Samta Nagar Police Station, C.R. No.592/2021 (Page No.294) and offence at Charkop Police Station with C.R. No.586/2021 (Page No.320). On the basis of above material, I am not inclined to grant the bail.

5. The only factor which I am considering is trial has not started. He is arrested on 8 June 2021 (Page-22). He is behind bar for the last three years. One does not know when the trial will be started and finished. That is why I am inclined to grant him bail. If this could

have been the first bail application, certainly I would not have granted him bail. He can be put to strict conditions. Hence, the following order is passed:

ORDER

- (i) The Application is allowed.
- (ii) The applicant-Shailesh Prabhakar Bhambardekar @ Pratham Mane is released on bail in connection with C.R.No.78/2021 registered with Vishnu Nagar Police Station under Sections 376,420,406,417419 read with Section 34 of IPC on furnishing personal bond and surety bond of Rs. 1,00,000/- (One Lac Only).
- (iii) After release on bail, he is directed not to enter the Kalyan Taluka except for giving attendance to the Court and for giving police station attendance.
- (iv) The applicant not to threaten the prosecution witnesses.
- (v) He is directed to give attendance to Vishnu Nagar Police Station on first Monday from 10 to 12 noon of every month of January, May and October till the conclusion of the trial.
- (vi) In case of breach of any conditions, his bail is liable to be cancelled.

(S.M. MODAK, J.)