



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

921 BAIL APPLICATION NO. 715 OF 2025

Pappu @ Dilip Vitthal Pawar

VERSUS

The State Of Maharashtra And Another

...

Advocate for Applicant : Mr. Malpani Mohit Rajendra

APP for Respondents-State: Mr. D. J. Patil

Advocate for Respondent No.2 : Mr. S. S. Palnitkar (Appointed)

...

CORAM : ARUN R. PEDNEKER, J.

Dated : August 07, 2025.

PER COURT :-

1. Heard the learned Counsel for the applicant, the learned APP for the respondent-State, and the learned appointed Counsel for respondent No.2.
2. The applicant is seeking bail in connection with FIR No. I-409/2022, dated 28/08/2022, registered with Akole Police Station, District Ahmednagar, for the offences punishable under Sections 376(2)(j)(l) and 452 of the *Indian Penal Code*.
3. The allegation against the applicant is that he had sexual intercourse with a mentally challenged lady. The applicant was arrested on 28/08/2022. His earlier bail application filed before this Court was dismissed as withdrawn on 01/09/2023, granting him liberty to file a fresh application if the trial was not concluded within a period of six weeks.
4. The learned Counsel for the applicant submits that, although the charge was framed on 28/02/2024, no witness has been examined till date. There are 29 witnesses cited by the prosecution, but none have been

examined so far. The applicant has not been produced before the Trial Court on more than 30 occasions. This factual position is not disputed by the learned APP as well as the learned appointed Counsel for respondent No.2.

5. The applicant has been in custody for the last three years, and except for the framing of charge, there has been no progress in the trial. The delay is primarily on account of non-production of the applicant before the Trial Court. It is also submitted that the applicant has no criminal antecedents.

6. The learned Counsel for the applicant has further submitted that the applicant undertakes to attend each and every date of the trial and shall not remain absent without prior permission of the Trial Court. It is submitted that in the event the applicant fails to appear before the Trial Court on any date without proper justification, the prosecution may move for cancellation of bail.

7. Considering the prolonged incarceration, the complete absence of progress in trial, and the assurance given by the applicant to attend the proceedings regularly, this Court is of the view that the applicant deserves to be released on bail, subject to stringent conditions.

8. In view of the above, the application is allowed in the following terms: -

- a]** The applicant shall be released on bail in connection with FIR No. I-409/2022, dated 28/08/2022, registered with Akole Police Station, District Ahmednagar, on furnishing a P.R. bond of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- b]** The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.
- c]** The applicant shall co-operate with the Trial Court and shall attend each and every date of hearing, unless specifically exempted by the Court.
- d]** The applicant shall not tamper with the prosecution evidence, nor shall he influence the informant, witnesses, or any other person concerned with the case.
- e]** Upon being released on bail, the applicant shall furnish his contact number and residential address to the Trial Court and shall promptly update the same in the event of any change.
- f]** The applicant shall stay away from Taluka Akole, District Ahmednagar, during the pendency of the trial.
- g]** The applicant shall remain present before the Trial Court on each and every date and shall not remain absent without prior permission of the Court. In case of breach of this condition, the prosecution shall be at liberty to move for cancellation of bail.

9. Needless to state, in the event of breach of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is clarified that the observations made in this order are restricted to the adjudication of the present bail application. The Trial Court shall proceed with the matter on its own merits and in accordance with law, uninfluenced by the observations made herein.

10. Fees of the appointed Advocate for respondent No.2 is quantified at Rs.10,000/- (Rupees Ten Thousand only), to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

11. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.