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

BAIL APPLICATION NO.1955 OF 2024

Kiran Subhash Tibule,
Age: 24 years, Occu.: Education,
R/o. Khamaswadi, Tq. Kallam,
Dist. Osmanabad.

... Applicant

Versus

1. The State of Maharashtra
Through Police Station,
Shiradhon, Tq. Kallam,
Dist. Osmanabad.

2. X.Y.Z.

... Respondents

.....
Mr. S.Y. Patil, Advocate for Applicant
Mr. V.M. Jaware, APP for Respondent No.1 – State
Ms. Priyanka Dube, Advocate (appointed) for Respondent No.2
(absent)

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 11 MARCH 2025

PRONOUNCED ON : 12 MARCH 2025

PER COURT :-

1. Applicant seeks grant of regular on account of his arrest in Crime No.0076 of 2023, registered at Shiradhon Police Station, District Osmanabad for offences punishable under Sections 376(3), 376(2)(I), 376(2)(N), 376(2)(J), 506 of the Indian Penal Code and under Sections 4, 6, 8 and 12 of the POCSO Act.

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2. Learned counsel for the applicant pointed out that applicant is arrested in above crime on 21.05.2023, and he is behind the bars since then. It is further pointed out that investigation is over, and charge-sheet is filed on 15.07.2023. He submitted that, this Court, by order dated 29.01.2025, after hearing the bail application, has specifically noted that applicant is behind bars since 21.05.2023, and that, charge-sheet is filed in July 2023 and if trial does not commence within one month, for want of *muddemal*, the applicant was at liberty to move this Court for bail. Learned counsel pointed out that, even today, there is no change of in position and *muddemal* is yet not received. Therefore, indefinite period would be required for conclusion of the trial. Learned counsel has placed on record cause list/case list.

3. Learned APP opposed on the ground that, now matter was shown to be awaiting *muddemal* up to 13.02.2025, but matter has moved and it is posted for hearing since 20.02.2025, and last date in the matter was 06.03.2025.

4. Heard. Perused the FIR dated 20.05.2023 at the instance of the victim, who is 14 years of the age. She has reported that one and half month back, when she was proceeding to hand

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over the tiffin to her grandmother, on the way, present applicant intercepted her way, dragged her in the field, undressed her forcefully and had forcibly raped her. In support of date of birth of victim, school admission extract is placed on record, which shows date of birth of victim to be 19.04.2010. Going by the date of FIR, she is minor.

5. This Court had on previous occasion indeed considered the date of arrest and taking the submissions made before the Court that applicant was behind the bars since May 2023, and in spite of charge-sheet being filed, long back, there was no progress in trial and taking into account the statement of learned APP that *muddemal* is awaited, which was sent to analyser, this Court, by order dated 29.01.2025, granted liberty to the applicant to move for bail if, within one month from that date, the muddemal is not received and the trial does not commence. Now, cause list/case list placed on record, which shows that till 13.02.2025, the matter was showing in the category of awaiting *muddemal*, but subsequently, matter has progressed to the stage of hearing. Current daily status of the matter is also placed by learned APP, which shows that, next date of hearing is 13.03.2025. Therefore, now the category on

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which the matter was held up for long is gone and now, matter is shown to be for hearing. Meaning thereby that process of recording of the evidence would commence. On 13.03.2025, victim was shown to be present, and counsel for both the sides was also shown to be present, and evidence of PW1 has already commenced. Taking the same into consideration, when charge-sheet shows that prosecution intends to examine more than 20 witnesses, there are bright chances of matter coming to an end in near future.

7. Therefore, without entering into the merits, and in the light of above discussion, bail application is disposed of by refusing bail.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane