IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 5470 OF 2024

Yogesh Pandurang Ghodake ...Applicant

Versus

The State of Maharashtra and Anr. ...Respondents

Ms. Manisha Devkar a/w Mr. Shankar Katkar, learned Advocates for the Applicant.
Mr. V. N. Sagare, learned A.P.P. for the State/Respondent.
Ms. Kanchan Pawar, learned Advocate for Respondent No. 2.

CORAM : ASHWIN D. BHOBE, J.
DATE : 7th JULY 2025.

P.C. :

1. Heard Ms. Manisha Devkar, learned Advocate for the Applicant, Mr. V. N. Sagare, learned A.P.P. for the State/Respondent and Ms. Kanchan Pawar, learned Advocate for Respondent No. 2.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ("**BNSS**" for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 112 of 2024 registered with Pandharpur Taluka Police Station, Solapur Rural for the offences punishable under Sections 363, 376, 376(j)(k)(l)(n) of the Indian Penal Code, 1860 ("IPC" for short) and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO Act" for short).

3. Case of the prosecution is that Respondent No. 2 lodged the

complaint about kidnapping of her minor daughter (victim), who was 16 years and 8 months old at the time of incident. On 19th February 2024, the Applicant took the victim to his maternal uncle's house at Village-Nandur, Taluka-Mangalwedha, where the Applicant had committed sexual intercourse with the victim.

4. The said crime is now registered as Special POCSO Case No. 22 of 2024 and is pending on the file of Special Judge, Pandharpur.

5. Applicant was arrested on 29th February 2024 and since then he is in jail. Criminal Bail Application at Exhibit-6 in Special POCSO Case No. 22 of 2024, filed by the Applicant was rejected on 23rd October 2024.

6. Ms. Manisha Devkar, learned Advocate for the Applicant submits that the Applicant has instructed her to press the bail on the grounds of long incarceration and denial of Applicant's right of speedy trial. She submits that the Applicant was arrested on 29th February 2024 and since then he is in jail. She submits that till date no charge is framed in Special POCSO Case No. 22 of 2024. She submits that there is less likelihood of the trial being commenced and completed in the near future. She relies on the orders of this Court in the cases of *Vikas Chandrakant Patil v/s. The State of Maharashtra*[1] and *Niklesh Prakash Patil v/s. The State of Maharashtra*[2] in support of her contention for grant of bail on the grounds of long incarceration and denial of Applicant's right of speedy trial.

1 Bail Application No. 1963 of 2025 decided on 9th May 2025.
2 Bail Application No. 1208 of 2025 decided on 8th May 2025.

7. Mr. V. N. Sagare, learned A.P.P. for the State/Respondent on instructions submits that the charge is not framed in the said proceedings.

8. Ms. Kanchan Pawar, learned Advocate for Respondent No. 2 submits that the Applicant is related to the victim. She maintains the allegations made in the complaint. She however does not dispute that the charge in Special POCSO Case No. 22 of 2024 is not framed.

9. I have perused the records with the assistance of learned Advocates of the parties.

10. Perusal of the records indicate that the Applicant is incarcerated for almost 16 months. Till the date charge is not framed. Prosecution has enlisted 23 witnesses in the charge-sheet.

11. Ms. Manisha Devkar, learned Advocate for the Applicant would be right in submitting that there is less likelihood of the trial commencing and completing in the near future.

12. Considering the fact that the Applicant is incarcerated for the last 16 months and charge in Special POCSO Case No. 22 of 2024 not being framed till date, Ms. Manisha Devkar, learned Advocate would be justified in pressing into service the Applicant's right to be enlarged on bail on the ground of long incarceration, as the Applicant cannot continue to be incarcerated as an under-trial prisoner, indefinitely. This Court is therefore constrained to enlarge the Applicant on bail on the ground of long incarceration.

13. In view of the above, the present Bail Application is allowed on the following conditions :-

a. Applicant is directed to be released on bail in connection with Crime No. 112 of 2024 registered with Pandharpur Taluka Police Station, Solapur Rural for the offences punishable under Sections 363, 376, 376(j)(k)(l)(n) of the IPC and Sections 4, 8 and 12 of the POCSO Act on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Special Judge, Pandharpur.

b. Applicant shall regularly appear before the Special Judge, Pandharpur as and when the date in Special POCSO Case No. 22 of 2024 is fixed, unless exempted by the learned Trial Court.

c. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

d. Applicant shall not tamper with the prosecution evidence.

e. Applicant shall not contact or attempt to contact the victim or Respondent No. 2 or any of the family member of the victim or any witness in the present

crime.

14. Criminal Bail Application No. 5470 of 2024 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

GITALAXMI KRISHNA KOTAWADEKAR

Digitally signed by GITALAXMI KRISHNA KOTAWADEKAR
Date: 2025.07.07 19:42:10 +0530