

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.454 OF 2024

Rohit Sanjay Mhaske

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Sachin Tiwari a/w. Mr. Nilesh Pandit i/b Anjesh Nilesh,
Advocate LLP for Applicant

Mr. Y.M. Nakhwa, APP

Ms. Ekta Patil, Appointed through Legal Aid, Advocate for
Respondent No.2

Mr. Nitin D. Sawant, PI, Bangur Nagar Police Station

CORAM : SANDESH D. PATIL, J.

DATE : 20TH SEPTEMBER, 2025.

P.C. :-

1. The present application is filed by the applicant through jail.

2. The offence was registered under Sections 377 and 342 of Indian Penal Code and 4, 8 and 12 of the Protection of

Children from Sexual Offences Act, 2012. The chargesheet is filed on 14th September 2021.

3. The accused was arrested on 20.08.2021. The prosecution case is that son of the informant had been to the house of the applicant on 20.08.2021 at about 9.30 a.m. The age of the victim is 9 years. The applicant contended that the accused had assaulted her son. Her son came home at 12.30 p.m. crying and informing about the incident and therefore, FIR was lodged. It is the case of the prosecution that the police has completed the chargesheet and charges are framed.

4. Learned advocate Mr. Tiwari contended that the accused is behind bars since 20.08.2021. He further contended that it will take some time to hear the matter on merits. He contends that long incarceration of the applicant is a good ground for him to be released on bail. He submits that the applicant is falsely implicated in the case. He submits that since trial will take long time, the applicant be released on bail. He submits that the applicant is falsely and malafidely prosecuted for the offence.

5. Learned APP appearing for the applicant submits that there is strong prima facie case against the applicant. He submits that trial has already started. He further submits that there are about 6 witnesses, who will be examined in this case, out of that evidence of one witness is over. There are only 5 witnesses to be examined. He states that this case is involving heinous crime. He submits that since chargesheet is already filed and trial has begun, the application be rejected.

6. Having considered the documents before me more particularly chargesheet and having heard counsel appearing for the respective parties, I am of the view that the trial has already began. There are only 5 witnesses to be examined. I have perused the statement of PW1, which is recorded by the trial court. There is no reason to doubt the said witnesses at this stage. The offence is of very serious nature.

I am, therefore, not inclined to grant bail in this matter.

ORDER

- (a) The application is dismissed for the reasons mentioned above.

- (b) Learned Special Judge taking SC No.407 of 2021 pending before 13th Ad-hoc Judge, City Civil Court and Additional Sessions Judge, is directed to expedite the trial within a period of six months.
- (c) It is made clear that in case the trial is not finished within a period of 6 months from today, liberty is granted to the applicant to apply to this court afresh.

(SANDESH D. PATIL, J.)

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