

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

CRIMINAL BAIL APPLICATION NO.976 OF 2024

Arjun @ Pandit Raju Salunkhe	... Applicant
Vs.	
The State of Maharashtra and Anr.	...Respondents

VISHAL
SUBHASH
PAREKAR

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VISHAL SUBHASH
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Date: 2025.06.27
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Mr. Samay Pawar a/w. Mr. Yash Fadtare, Advocate for the Applicant.

Mr. Vinod Chate, APP for Respondent/State.

Mr. Alura Mohd. Kasim, for Respondent No. 2.

Mr. Somnath Panchal, API, Hinjewadi police station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 26th JUNE, 2025

P.C. :

1. Heard Mr. Samay Pawar, learned Advocate for the Applicant, Mr. Vinod Chate, learned APP for the State and Mr. Alura Mohd. Kasim, learned Advocate appointed from Legal Aid panel for Respondent No.2.

2. By the present application, the Applicant is seeking bail in connection with C.R. No. 552 of 2021 registered with Hinjewadi Police Station, District Pune for the offences punishable under Sections 363, 366(A), 376, 376(3), 376(2)(n), 376(A) of Indian

Penal Code, 1860 and Sections 4, 5(2)(j) and 6 of Protection of Children Against Sexual Offences Act, 2012 (POCSO).

3. Case of the prosecution is that the Applicant (accused) kidnapped the victim (minor girl of 15 years age) from the custody of her parents and committed rape. The fact of the victim being raped, came to light when the victim became pregnant. During the pregnancy, the victim died. Said crime was registered on a complaint from the Respondent No.2 (father of the victim).

4. Applicant was arrested on 11th August, 2021 and since then he is in jail.

5. Mr. Pawar, the learned Advocate for the Applicant states that the C.R. No.552 of 2021 is now registered as Special (POCSO) Case No. 771 of 2021 and is pending on the file of Additional Session Judge, Pune.

6. Bail Application (Exh.5) filed by the Applicant in the Special (POCSO) Case No. 771 of 2021 was dismissed by the learned Additional Session Judge, Pune on 18th January, 2024.

7. Mr. Pawar, learned Advocate for the Applicant states that the Applicant is in jail since August, 2021. He submits that the Applicant in the present application presses the ground of speedy trial. He submits that though the charge is framed, till date no witnesses have been examined. He submits that the informant i.e. father of the deceased victim is also no more. Mr. Pawar relies on the orders of this Court in the cases of **Niklesh Prakash Patil vs. The State of Maharashtra¹** and **Vikas Chandrakant Patil vs. The State of Maharashtra²** on the ground of long incarceration.

8. Mr. Chate, learned APP for the State does not dispute the fact that the trial in the present crime has not commenced. He points out to the order passed by the learned Additional Sessions Judge, Pune to submit that even the complainant/ informant is dead,

9. Considering the fact that the Applicant is incarcerated since 11th August, 2021 and till date no witnesses have been examined in the above said proceeding, the Applicant is justified in pressing

1 BA No. 1208/2025 Dt.08/05/2025.

2 BA No. 1963/2025 Dt,09/05/2025.

into service his right to be enlarged on bail, as he cannot continue to be incarcerated, as under trial, indefinitely.

10. This Bail Application is considered on the sole ground of long incarceration of the Applicant which is three years and ten months as on date. There is less likelihood of the trial being completed in the near future.

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

a] It is directed that the Applicant shall be released on bail in Crime No. 552 of 2021 registered with Hinjewadi police station, District Pune for the offence punishable under Sections 363, 366(A), 376, 376(3), 376(2)(n), 376(A) of Indian Penal Code, 1860 and Sections 4, 5(2)(j) and 6 of Protection of Children Against Sexual Offences Act, 2012 (POCSO), on furnishing P.R. Bond of Rs. 25,000/- with one or two solvent sureties in the like amount, to the satisfaction of the learned Additional Session Judge, Pune.

b] Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the

facts of the case, as also not tamper with the evidence.

c] Applicant shall attend on each and every date of hearing in Special (POCSO) Case No. 771 of 2021 fixed before the trial Court, unless exempted.

d] Applicant shall upon release within three days furnish his residential address with proof and contact details to Trial Court and Investigating Officer, Hinjewadi police station, Pune.

9. The Legal Aid Cell to release the professional fees of learned Advocate Mr. Alura Mohd. Kasim.

10. Bail Application No. 976 of 2024 is disposed of in the above said terms.

[ASHWIN D.BHOBE, J.]