

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1129 OF 2024

Akshay Khande

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents.

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 Mr. Ganesh Gupta a/w. Mr. Surya P. Gupta, Mr. Sahil Ghorpade,
 Adv. Madan Khansole, Adv. Priyanka Rathod and Ms Roshni Naaz
 i/b G.G. Legal Associates for the Applicant.

Mr. T.G. Khan , APP for the Respondent/State.

Ms Deepali Bagla, Appointed Advocate for the respondent No.2.

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CORAM : N.R. BORKAR, J.
DATE : 07.05.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.1145 of 2021 registered at Chakan Police Station, Pimpri - Chinchwad for the offences punishable under Sections 376, 376-D, 506 read with 34 of the Indian Penal Code and Sections 4, 6, 8, and 12 of the Protection of Children from Sexual Offence Act (POCSO Act).
3. The applicant is the accused No.1 in the present crime. The applicant and the victim were known to each other. It is alleged that one day, when the victim was grazing her cattle, the applicant dragged her into bushes and committed forcible sexual intercourse with her. It is alleged that after some day, the accused No.2, who is the relative of the victim entered the victim's house, when she was alone and committed forcible sexual intercourse

with her. It is alleged that thereafter, the applicant and accused No.2 repeatedly committed forcible sexual intercourse with her due to which she got pregnant.

4. I have heard the learned counsel for the applicant, the learned APP for the respondent – State and the learned appointed counsel for the respondent No.2/complainant.

5. The bail is sought on the ground of long incarceration as under-trial prisoner. Learned counsel for the applicant submits that the applicant is in jail for four years and till date the prosecution has examined only one witness. It is submitted that there are no other criminal antecedents against the applicant.

6. On the other hand, learned APP for the respondent/State and the learned appointed counsel for the respondent No.2 submit that at the relevant time, the victim was aged about 12 years only. It is submitted that considering the nature of crime, the applicant may not be released on bail.

7. This Court by order dated 21.4.2025, directed the trial Court to make an endeavour to examine the victim. Learned APP, on instructions, submits that the victim is not in a position to attend the trial court for the purpose of evidence as she is pregnant. The applicant is in jail for more than 4 years and the trial is at very initial stage. Considering the said facts, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 1145 of 2021 registered at Chakan Police Station, Pimpri - Chinchwad for the offences punishable under Sections 376, 376-D, 506 read with 34 of the Indian Penal Code and Sections 4, 6, 8, and 12 of the Protection of Children from Sexual Offence Act (POCSO Act) on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

[N.R.BORKAR, J.]