

Nikita

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

BAIL APPLICATION NO.1914 OF 2024

Vitthal Rambhau Sathe

... Applicant

V/s.

The State of Maharashtra and Anr.

... Respondents

Mr. Atul Patil, for the Applicant (through V. C.).

Mr. V. N. Sagare, APP for the State.

Mr. Chaitanya Mulawkar for the Respondent.

Mr. S. A. Shaikh, PSI, Paud Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATED : 23rd JUNE, 2025

P.C.:

1. Heard Mr. Atul Patil, learned Advocate for the Applicant. Mr. V.N. Sagare, learned APP for the State and Mr. Chaitanya Mulawkar, learned Advocate for the Respondent No.2.

2. By the present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with C. R. No.132 of 2022, registered with Paud Police Station, for the offences punishable under Sections 376(2) (j), 376(2)(n), 504, 501, read with 34 of the IPC and under Section 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Mr. Atul Patil learned Advocate for the Applicant states that

the Applicant was arrested on 10.04.2022 in the above said crime. He states that the said crime is now registered as Special Case No.424 of 2022 and is allotted to the Court of Special Judge, Pune, Pune. He states that till date, charge has not been framed. He submits that the Applicant is in jail for three years and two months, as an under trial. He submits that considering that the charge is not framed even after three years, there is no likelihood of the trial either commencing or concluding in the near future. He submits that he has specific instructions from the Applicant, to press the present bail application on the ground of long incarceration and denial of Applicant's right to speedy trial. He relies on the orders passed by this Court in case of Vikas Chandrakant Patil Vs. The State of Maharashtra¹ and in the case of Niklesh Prakash Patil Vs. The State of Maharashtra², in support of his ground of speedy trial.

4. Mr. V. N. Sagare, learned APP for the State, does not dispute that the Applicant was arrested on 10.04.2022 and till date charge is not framed. He submits that though, the trial has not commenced, releasing the Applicant on bail may result in the Applicant tampering with the evidence.

5. Mr. Chaitanya Mulawkar, learned Advocate for the Respondent No.2 submits that the offence charged against the Applicant is serious offence. He does not dispute the fact that the Applicant is in jail since April, 2022 without trial. He does not dispute that the charge is not framed.

1 Bail Application No.1963 of 2025, decided on 09.05.2025

2 Bail Application NO.1208 of 2025, decided on 08.05.2025

6. I have perused the record with the able assistance of learned Advocates for the parties.
7. Considering that the Applicant is in Jail since 10.04.2022, i.e. almost three years and two months from his arrest, taking note of the fact that charge has not been framed in Special Case No.424 of 2022 and there is possibility of the trial being prolonged, the Applicant would be justified in pressing into service his right to be enlarged on bail, as he cannot continue to be incarcerated, as a under trial prisoner, indefinitely.
8. Mr. Atul Patil, on instructions from the Applicant, states that during the pendency of the trial of the present crime, the Applicant shall not enter the jurisdiction of Paud Police Station, District Pune. Said statement is accepted.
9. In view of the above and the statement made by the Applicant in paragraph No.8 herein above, this Application is considered on the sole ground of the long incarceration of the Applicant and the delay in trial.
10. 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 C. R. No.132 of 2022, registered with Paud Police Station, on his furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of Additional Sessions Judge Pune.
 - b) Applicant shall not contact the Respondent No.2 or any

of the family member of the Respondent No.2.

c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to the Court or any police officer and should not tamper with evidence.

d) Applicant upon release, within 3 days shall furnish to the Investigation Officer Paud Police Station his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

e) Applicant shall regularly attend the hearing in Special Case No.424 of 2022 before the Court of Special Judge, Pune, on the date fixed, unless exempted.

f) Applicant shall not enter the jurisdiction of Paud Police Station, Pune till the completion the trial in Special Case No.424 of 2022 .

11. The Bail Application No. 1914 of 2024, is disposed off.

(ASHWIN D. BHOBE. J.)