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

CRIMINAL BAIL APPLICATION NO. 2590 OF 2024

Sanjay Ramchandra Behera

.. Applicant

Versus

The State of Maharashtra

.. Respondent

-
- Mr. Manish Shukla, Advocate i/by Mr. Arvind Tiwari for Applicant.
 - Mr. Hitendra J. Dedhia, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 05, 2025.

P.C.:

1. Heard Mr. Shukla, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent – State.

2. Considering this Application received from jail, today Mr. Shukla, learned Advocate is appearing on behalf of Applicant. He would submit that Advocate Mr. Arvind Tiwari has filed his vakalatnama on 22.01.2025 to represent the Applicant. Applicant is indicted in C.R. No.I-344 of 2017 for the offences punishable under Section 376 of the Indian Penal Code, 1860 (for short “**IPC**”) and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 (for short “**POCSO**”).

3. Since Application is received from jail save and except Application copy there is nothing which is placed on record except for

the roznama for the last two years. It is stated in the Application that the trial has commenced. Three witnesses have been examined by the prosecution so far.

4. Applicant is in jail since 11.08.2017. In the present crime, charge-sheet was filed on 07.11.2017. The long incarceration of the Applicant i.e. approximately 7 and ½ years and his right to speedy justice is the cause for the present matter to be listed before the Court.

5. Mr. Dedhia, learned APP is directed by this Court to ensure that copy of the charge-sheet is procured and placed before the Court to enable this Court to consider the Applicant's case for bail.

6. Considering that this is a POCSO matter, the victim/her legal guardian will have to be impleaded as party Respondent.

7. Mr. Dedhia has brought to my notice the order dated 14.03.2023 passed by this Court (Coram: S.M. Modak, J.) passed in previous Bail Application No.3371 of 2021 which was dismissed by this Court. He would submit that when the previous Bail Application was argued in that Application one Advocate Ms. Payal Vardhan was appointed as Advocate to represent and espouse the cause of Respondent No.2. He would submit that since the said Advocate Ms. Payal Vardhan would be aware of the facts of this case and this Court should consider to appoint the same Advocate in the present Bail Application also. Mr. Dedhia appears to be right.

8. In view of the above, I am inclined to appoint Ms. Payal Vardhan (Mobile No.7666111250), through the High Court Legal Aid Services Committee of this Court to represent and espouse the cause of Respondent No.2 forthwith. Before that order for impleadment of Respondent No.2 will have to be passed in this Application also.

9. Considering the above, Applicant is granted liberty to implead Respondent No.2 i.e. victim / her legal guardian as Respondent No.2 in the present Application. Necessary amendment be carried out within a period of one week from today. Re-verification stands dispensed with.

10. Copy of the amended Application shall be handed over to the appointed Advocate for Respondent No.2 by the Advocate for Applicant.

11. Appointed Advocate is directed to take instructions from Respondent No.2 and get prepared in the matter.

12. List the Bail Application on Board on **12th February 2025**. To be placed under the caption '**For Directions**'.

[MILIND N. JADHAV, J.]

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