

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

BAIL APPLICATION NO.3398 OF 2024

Virendra @ Anna Udai Yadav	...Applicant
Versus	
The State of Maharashtra and Anr.	...Respondents

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Mr. Prashant Pandey a/w Mr. Dinesh Jadhvani, Ms. Ridhima Mangaonkar, Ms. K. Joshi and Mr. Pramod Sharma i/b M/s.W3LEGAL LLP, Advocate for the Applicant.

Mr. S. V. Walve, A.P.P. for the Respondent No.1 – State.

Mr. Mayur Sosa a/w Mr. Aditya Rai and Mr. Raj Tamhankar, Advocate for the Respondent No.2.

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CORAM	:	N. R. BORKAR, J.
DATE	:	28th JANUARY, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.1059 of 2021 registered at Tulinj Police Station, for the offence punishable under Sections 376, 376(2) (i) (n), and 504, 34 of IPC and under Sections 4, 8 and 12 of the Protection of children from Sexual Offences Act(POCSO).
3. On 23rd August 2021, the victim was taken to hospital

for abdominal pain. Upon medical examination she was found to be pregnant. Inquiry was made with her and it was found that one day in the month of March-April-2021, the applicant had committed forcible sexual intercourse with the victim. Accordingly report was lodged. The victim has, however, in her supplementary statement attributed the alleged act to the co-accused in the present crime. Thereafter, in her statement recorded under Section 164 of the Cr.P.C. the victim has made the allegations of forcible sexual intercourse against the applicant and the co-accused also.

4. The learned counsel for the applicant has drawn my attention to the order passed by this Court dated 30th October 2023, in Criminal Bail Application No.1660 of 2022. By the said order, this Court permitted the present applicant to withdraw the bail application with liberty to file fresh application after six months if there is no substantial progress in trial and directed the trial to conclude the trial within six months. The said order read, thus :

“ After arguing the matter for some time, learned advocate for the applicant seeks leave to withdraw the Application with liberty to file a fresh Application after six months, if there is

no substantial progress in the trial.

2. In view of this, Application stands disposed of as withdrawn with liberty as prayed for.

3. The learned Trial Judge of the Trial Court is directed to dispose of the matter expeditiously and in any case within six months from today.”

5. The learned counsel for the applicant submits that in spite of the above order there is no progress in the trial. It is submitted that the applicant is in jail for more than three years and three months and the trial is not likely to be concluded in the near future.

6. On the other hand, learned A.P.P. and learned counsel for the Respondent No.2 submit that the applicant is involved in serious offence. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. This Court by order dated 30th October 2023, directed the Trial Court to conclude the trial within a period of six months. I am told that the Trial Court has thereafter, framed the charges on 30th August 2024 and thereafter there is no progress in the trial. The learned counsel for the applicant submits that the applicant is ready to stay outside the limits of Palghar district. Considering the overall facts and

circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed :

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No.1059 of 2021 registered at Tulinj Police Station punishable under Sections 376, 376(2) (i) (n), and 504, 34 of IPC and under Sections 4, 8 and 12 of the POCSO, on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not enter into the limits of Palghar district till the conclusion of trial, except to attend the dates before the Trial Court;
- (iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)