

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

CRIMINAL BAIL APPLICATION NO. 3681 OF 2024

Aasif Rafik Shaikh @ Aasif Momin

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Priyal G. Sarda a/w Ms. Seema S. Dighe, Mr. Rajesh Ranglani, Mr. Shubham Sane and Mr. Rahul B. Vijaymane, learned Advocates for the Applicant.

Ms. Veera Shinde, learned A.P.P. for the State/Respondent.

Ms. Kanchan Pawar, learned Advocate for Respondent No. 2.

CORAM : ASHWIN D. BHOBE, J.

DATE : 4th JULY 2025.

P.C. :

1. Heard Mr. Priyal Sarda, learned Advocate for the Applicant, Ms. Veera Shinde, learned A.P.P. for the State/Respondent and Ms. Kanchan Pawar, learned Advocate for Respondent No. 2.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ("**BNSS**" for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 144 of 2021 registered with Khadak Police Station, Pune City for the offences punishable under Sections 376, 354(B), 341 and 506 of the Indian Penal Code Act, 1860 ("**IPC**" for short) and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Ms. Veera Shinde, learned A.P.P. for the State/Respondent points out to the order dated 5th September 2024, passed in Criminal Bail Application No. 117 of 2023. On the basis of said order, she submits that the Applicant is required to avail liberty to file a fresh Bail Application before the learned Trial Court at the first instance.

4. Ms. Kanchan Pawar, learned Advocate for Respondent No. 2 endorses the contention of Ms. Veera Shinde, learned A.P.P.

5. Mr. Priyal Sarda, learned Advocate for the Applicant on instructions from the Applicant craves leave to withdraw the present Bail Application with liberty to file a fresh Bail Application in terms of the liberty granted by order dated 5th September 2023, passed in Criminal Bail Application No. 117 of 2023. He submits that the trial has not proceeded since 5th September 2023 and therefore, he be permitted to raise an additional ground of long incarceration in the Bail Application, which the Applicant intends to file before the learned Trial Court. He submits that a fresh Bail Application will be filed within a period of 10 days from today.

6. On the basis of circumstances the Applicant is placed and the grounds available to the Applicant, he requests that the learned Trial Court be directed to dispose of the proposed Bail Application at the earliest.

7. Ms. Veera Shinde, learned A.P.P. and Ms. Kanchan Pawar, learned Advocate do not object to the request made by the Applicant.

8. Applicant is at liberty to file a fresh Bail Application before the learned Trial Court. If such Application is filed by the Applicant before the learned Trial Court, then the same shall be considered on its own merits and in accordance with law.

9. Considering the observations made by this Court on 5th September 2023, the learned Trial Court is directed to dispose of the proposed Bail Application, if filed within a period of 10 days from today, as expeditiously as possible and at any rate within a period of 4 weeks from the first date of hearing of the said Application.

10. In view of the above, Criminal Bail Application No. 3681 of 2024 is dismissed as withdrawn with liberty as prayed.

[ASHWIN D. BHOBE, J.]

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