

Nikita

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

BAIL APPLICATION NO.4000 OF 2024

Ashok Manik Kale ... Applicant

V/s.

The State of Maharashtra and Anr. ... Respondents

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Mr. Satyavrat Joshi, (through V. C.) a/w Mr. Priyesh More i/b Mr. Yash Fadtare for the Applicant.

Ms. Kanchan Pawar, for the Respondent No.2. (Legal Aid. Advocate).

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

Mr. Santosh More, PSI, Vishrambaug Police Station, Pune City.

CORAM : ASHWIN D. BHOBE, J.

DATED : 12th JUNE, 2025

P.C.:

1. Heard Mr. Satyavrat Joshi, learned Advocate for the Applicant, Mr. V. N. Sagare, learned APP for the State Ms. Kanchan Pawar, learned Advocate for the Respondent No.2.

2. By the present application under Section 483 of Bhartiya Nagarik Suraksha Sanhita (BNSS), in respect of the Crime No. 30 of 2023, registered with Vishrambaug Police Station, Pune, under the offence punishable under Sections 376, 376(2)(n), 363, 323, 506(2) of the Indian Penal Code and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the Applicant sexually assaulted the Respondent No.2 and committed the offence as charged in the crime No.30 of 2023.
4. Applicant was arrested on 30.01.2023, and since then he is in jail.
5. Mr. Joshi, learned Advocate for the Applicant, does not press for the grounds on merits. He however pressed into service the right to speedy trial and submitted that the Applicant is incarcerated since 30.01.2023, but till date even charge is not framed. He relies on the decision of this Court in the case of *Vikas Chandrakant Patil Vs. The State of Maharashtra*¹ and in the case of *Niklesh Prakash Patil Vs. The State of Maharashtra*², in support of his contention of entitlement of bail on the ground of long incarceration.
6. Mr. V. N. Sagare learned APP for the State and Ms. Kanchan Pawar for the Respondent No.2 fairly state that the Applicant was arrested on 30.01.2023 and till date, charge is not framed in the matter.
7. Ms. Kanchan Pawar, learned Advocate for Respondent No.2 states that the family members of the Applicant have pressurizing the Respondent No.2. Mr. Joshi again, on instructions from the Applicant, states that no such acts would be committed. The said statements are accepted as statements to the Court.
8. Considering that the Applicant is incarcerated since January, 2023 and by taking note of the statement made by Mr. Joshi that

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

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

no charge is framed in the matter, the Applicant is justified in pressing into service his right to be enlarged on bail, as he cannot continue to be incarcerated as an under trial prisoner indefinitely. Again there is no certainty as to when the trial would commence.

9. Mr. S. Joshi, learned Advocate for the Applicant, on instructions from the Applicant states that in the event, the Applicant is granted bail, the Applicant undertakes not to enter the jurisdiction of Pune City, till the disposal of the trial. Statement accepted as a statement to the Court.

10. The Applicant is entitled to bail on the ground of long incarceration.

11. The Application is allowed, subject to the following conditions:

- a) Applicant is directed to be released on bail in C.R. No. 30 of 2023, registered at Vishrambag Police Station Pune, on furnishing PR bond of Rs. 25,000/- with one or two sureties in the like amount, to the satisfaction of the learned Special Judge, Pune.
- b) Applicant shall report to the Vishrambag Police Station on 1st Monday every month between 10.00 am to 12.00 pm. Applicant shall enter the city of Pune only for the purpose of reporting and shall leave the city of Pune after marking his presence before the Investigation Officer.
- c) Applicant shall not enter the city of Pune till the disposal of the trial except for attending the case, marking

his appearance before the Investigation Officer and/or attending any other pending case/s against the Applicant in the city of Pune.

d) Applicant shall regularly attend the trial, on every date of hearing, unless exempted by the Court.

e) Applicant shall furnish his contact details and residential address to the Investigation Officer on or before 12.06.2025.

f) Applicant shall not interfere or influence any witnesses or tamper with the evidence.

12. In view of the above, the Bail Application is disposed off.

(ASHWIN D. BHOBE. J.)