

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

CRIMINAL BAIL APPLICATION NO. 4420 OF 2024

Santosh Kashinath Ahire ... Applicant.
Vs.
The State of Maharashtra ... Respondent.

Mr. Jayendra D. Khairnar, Advocate for the Applicant.
Ms. Deepali Bagla, Advocate for Respondent No.2 (Through Legal Aid).
Ms. Veera Shinde, APP for Respondent/State.
Mr. R. S. Rajput-HC-2349, Malegaon Camp, Police Thane.

CORAM : ASHWIN D. BHOBE, J.

DATE : 11th JULY, 2025.

P.C. :

1. Heard Mr. Jayendra D. Khairnar, learned counsel for the Applicant, Ms. Veera Shinde, learned APP for Respondent – State and Ms. Deepali Bagla, learned Advocate for Respondent No.2.

2. By the present Bail Application, the Applicant is seeking bail in Crime No.135 of 2024. Allegations in the present crime are by the Respondent No. 2 (victim Girl) against the Applicant who is her father.

3. Ms. Veera Shinde, learned APP for the State, submits that the next date fixed in Case No.108 of 2024 is 22nd July, 2025. She

submits that it would be appropriate to examine the Respondent No.2 before the request of bail made by the Applicant is considered. She submits that the Respondent No. 2 has been summoned to appear for deposition in Case No.108 of 2024 on the said date. She submits that the summons are served on the Respondent No.2. She submits that she has instructions from the Investigation Officer in the present crime, to make a statement that the Respondent No.2 would be positively examined in Case No.108 of 2024 on 22nd July, 2025, and her examination would be completed at the earliest. She submits that in the event and/or for any reason, recording of the statement of the Respondent No.2 is deferred on 22nd July, 2025, then a request would be made to the learned Trial Court to fix an early date. She assures this Court that in any event, the oral testimony of the Respondent No. 2 would be completed on or before 14th August, 2025.

4. Mr. Jayendra Khairnar though, expresses urgency in the matter, however, considering that the prosecution would be completing the examination of the Respondent No. 2 by 14th August, 2025, on instructions from the Applicant, Mr. Jayendra Khairnar craves leave to withdraw the present Bail Application and file a fresh Bail Application before the learned Trial Court within a week from 14th August, 2025, i.e., after completion of the oral testimony of the Respondent No. 2. Liberty to withdraw the present Application with leave to file a fresh Bail Application upon completion of the examination of the Respondent No. 2 in Case

No.108 of 2024, is granted. If such Application is filed, same be considered on its own merits and in accordance in law.

5. Applicant is in jail since 5th June, 2024, and the Trial has not yet commenced. Considering the peculiar facts and circumstances of the present case, the learned Special Judge, Malegaon is requested to make an endeavor to complete recording of the oral testimony of the Respondent No. 2 in Special POCSO case No.108 of 2024, at the earliest and latest by 14th August, 2025.

6. Mr. Jayendra Khairnar and the learned Public Prosecutor assure this Court that no adjournments would be sought and parties will cooperate in recording and completing the oral testimony of the victim on or before 14th August, 2025.

7. Mr. Jayendra Khairnar undertakes to place this order before the learned Special Judge, Malegaon on or before 22nd July, 2025.

8. Ms. Deepali Bagla, learned Advocate for Respondent No. 2, submits that the summons are received by the Respondent No.2 and that the Respondent No. 2 would appear before the Trial Court on the date fixed for examination. She on instructions from the Respondent No.2, submits that the Respondent No.2 would co-operate in completing her oral testimony on or before 14th August,

2025. Ms. Deepali Bagla submits that the orphanage be directed to arrange the facilities to produce the Respondent No.2 who is presently at Bal Sudhar Gruh, Nashik before the Court on the date fixed in Case No.108 of 2024. The prosecution team to ensure the victim and the Accused / Applicant be produced before the Trial Court.

9. In view of the above and by accepting the statements recorded herein above, **Bail Application No. 4420 of 2024** is disposed of.

(ASHWIN D. BHOBE, J.)

GAYATRI
RAJENDRA
SHIMPI

Digitally signed
by GAYATRI
RAJENDRA
SHIMPI
Date: 2025.07.14
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