

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4870 OF 2024

Mr. Nana Dinkar Dodke

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Rahul B. Kadu, learned Advocate for the Applicant.

Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent.

Mr. Shailesh S. Kharat, learned Advocate for Respondent No. 2.

PSI Mr. S. R. Bhise attached to Saswad Police Station, Pune Rural is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 11th JUNE 2025.

P.C. :

1. Heard Mr. Rahul Kadu, learned Advocate for the Applicant, Mr. Tanveer Khan, learned A.P.P. for the State/Respondent and Mr. Shailesh Kharat, learned Advocate for Respondent No. 2.

2. Mr. Tanveer Khan, learned A.P.P. for the State/Respondent has drawn my attention to the order dated 4th November 2023, passed by this Court, which reads as follows :-

“1. Learned Counsel for the Applicant, on instructions, seeks leave to withdraw the present Application.

2. Considering that the Applicant is in custody for the period of 4 years, the Trial Court is requested to expedite the trial and record the evidence of the child witness

expeditiously in terms of the mandate of Section 35(1) of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), preferably within a period of 3 months from today.

3. The Application is allowed to be withdrawn with liberty to apply for bail after 6 months or after recording of the evidence of the child witness in terms of the mandate of Section 35(1) of the POCSO Act, whichever is earlier.

4. The Application stands disposed of in the above terms.”

3. Mr. Tanveer Khan, learned A.P.P. on instructions states that the statement of victim/prosecutrix could not be recorded as the said victim/prosecutrix and her family are not traceable. He on instructions further states that a last attempt would be made to secure the presence of victim/prosecutrix for the purpose of recording her statement. He again on instructions states that the same would be done within a period of four weeks from today and all attempts in that direction would be made.

4. Mr. Rahul Kadu, learned Advocate for the Applicant states that the Applicant is in custody for the last 5 years and 6 months and that too without trial. He submits that the said long incarceration of the Applicant infact would confer the Applicant his right to secure bail.

5. Considering the nature of allegations and the victim/prosecutrix being a minor, I find it proper to accede to the

request made by Mr. Rahul Kadu, learned Advocate and afford the prosecution a period of four weeks from today to examine the victim/prosecutrix.

6. It is clarified that in the event, the prosecution is unable to examine the victim/prosecutrix within a period of four weeks from today, then the request made by the Applicant on the ground of long incarceration would be considered.

7. At the request of Mr. Tanveer Khan, learned A.P.P. and by consent of the parties, list the matter on **14th July 2025**.

[ASHWIN D. BHOBE, J.]

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