

**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 (Appointed Advocate), learned Advocate for Respondent No. 2.

PSI Ms. Archana Patil attached to Saswad Police Station, Pune Rural is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 14th JULY 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. 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. 434 of 2019 registered with Saswad Police Station, Pune Rural for the offences punishable under Sections 376 and 511 of the Indian Penal Code, 1860 (“**IPC**” for short) and Sections 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 (“**POCSO Act**” for short).

3. Mr. Rahul Kadu, learned Advocate for the Applicant submits that the abovesaid crime is registered as Special (Child) Case No. 81 of 2020 and is pending on the file of learned Additional Sessions Judge, Pune.

4. On 11th June 2025, after hearing the parties, this Court had afforded the prosecution 4 weeks' time to examine the victim/prosecutrix. Said opportunity was granted to the prosecution as it was reported by Mr. Tanveer Khan, learned A.P.P. that the victim/prosecutrix was not traceable.

5. Today when the matter was called out, Mr. Tanveer Khan, on instructions from the Investigating Officer of Sanswad Police Station, states that the victim/prosecutrix is not traceable and as such there is no progress in trial.

6. Victim/prosecutrix not being traceable would result in delaying disposal of the Special (Child) Case No. 81 of 2020. In such circumstances, Mr. Rahul Kadu, learned Advocate would be justified in pressing into service the Applicant's right to be enlarged on bail on the ground of long incarceration and denial of Applicant's right to speedy trial.

7. Mr. Rahul Kadu, learned Advocate submits that the Applicant was arrested on 4th December 2019 and since then he is in jail.

8. Considering the Applicant being in jail for more than 5 years and the trial proceeding at a slow pace, coupled with the fact that the victim/prosecutrix is not traceable, the case of Applicant will have to be considered on the ground of long incarceration.

Applicant cannot continue to be incarcerated as an under-trial prisoner, indefinitely. In the peculiar facts and circumstances of the case, this Court is constrained to enlarge the Applicant on bail on the sole ground of long incarceration.

9. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 434 of 2019 registered with Saswad Police Station, Pune Rural for the offences punishable under Sections 376 and 511 of the IPC and Sections 8, 10 and 12 of the POCSO Act on executing P.R. Bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Pune.
- b. Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of Special (Child) Case No. 81 of 2020 pending on the file of Additional Sessions Judge, Pune, on each and every date, unless exempted from appearance.
- c. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

- d. Applicant shall not tamper with the prosecution witnesses and evidence in any manner.
- e. Applicant upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Saswad Police Station, Pune Rural and shall keep the same updated, in case of any change thereto.

10. Criminal Bail Application No. 4870 of 2024 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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GITALAXMI KRISHNA
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