

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 5000 OF 2024

Yogesh Eknath Rathod

.. Applicant

Versus

The State of Maharashtra & Anr.

.. Respondents

.....

- Ms. Anima Mishra a/w Mr. Anuj Singh for Applicant
- Mr. Sukanta A. Karmakar, APP for State

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 10, 2025

P. C.:

1. Not on board.
2. Applicant before me is a young offender. Present Application has been moved urgently by filing a praecipe dated 10.03.2025.
3. Heard Ms. Mishra, learned Advocate for Applicant and Mr. Karmakar, learned APP for State.
4. Applicant - accused has filed the present Application for regular bail under Section 439 of the Code of Criminal Procedure, 1973 (for short, "**Cr.PC.**") in connection with Crime No. 499/2021 registered with Manpada Police Station, Thane for the offences punishable under Sections 376, 376(2)(n), 376(3), 376(d)(a) and 506 of the IPC, 4, 6 and 10 of the POCSO Act and Sections 37(A) and 37(B) of the IT Act.

5. Ms. Mishra would submit that there is grave urgency in the matter as the Applicant is required to appear for his University of Mumbai Examination for T.Y.B.Sc. (Sem. V) for summer 2025 examination of B.Sc. Computer Science (with Credits) - Regular Examination. She would submit that Applicant was arrested on 23.09.2021. She would place before me copy of the Examination Time Table as also Examination Hall Ticket of the Applicant. I have perused the same. Applicant is required to appear for two optional subjects which are Game Programming and Artificial Intelligence, both subjects being theory papers which are scheduled on 12.03.2025 and 13.03.2025 from 2.30 p.m. to 5.00 p.m. The Examination Hall Ticket is appended to the urgent praecipe. Ms. Mishra would submit that Interim Application could not be filed because of exigency and the fact she was informed about seeking orders from the Court by Applicant's mother Smt. Chitrakala just two days ago. Ms. Sharma would persuade the Court to grant the Applicant interim bail to attend the examination on 12.03.2025 and 13.03.2025 to appear for his exam papers. In view of the urgency expressed by Ms. Mishra, filing of the Interim Application stands dispensed with.

6. In view of the urgency expressed by Ms. Mishra and in view of the fact that Applicant is a young offender and he has qualified to

appear for the University Examination and in order to ensure that his educational year is not wasted, I am inclined to pass this order.

7. The Jail Superintendent / In-charge of the Adharwadi Jail, Kalyan is directed by this Court to take the Applicant by escort to appear for the aforesaid examination on 12.03.2025 and 13.03.2025 between 2.30 pm to 5.00 pm and bring him back on both the days after the examination is over from the venue.

8. The Jail Authorities shall ensure that Applicant is taken to the concerned examination venue i.e. C.T.E.SS. N.G. Acharya and D.K. Marathe College of Arts, Science and Commerce, N.G. Acharya Marg, Near Subhash Nagar, Chembur, City Chembur, Taluka Kurla, District Mumbai Suburban, Maharashtra, Pin 400 071 at 2.00 p.m. on both days before 2.00 p.m.

9. At the venue, mother of Applicant - Smt. Chitrakala as informed by Ms. Mishra shall remain present and she shall give the original hall ticket to the concerned officer who shall escort / bring the Applicant for the purpose of examination and after the examination is over, she shall take the hall ticket with her and repeat the same procedure on the following day i.e. 13.03.2025.

10. It is clarified that Applicant shall be taken to the examination venue at the cost of the State and he shall not pay any escort charges.

- 11.** Ms. Mishra would persuade the Court to pass directions to enable the mother of Applicant - Smt. Chitrakala to reach out some books to the Applicant so that he can prepare himself for the examination. To that extent, the concerned Jail Authorities shall ensure that if any books are brought by the mother of Applicant either today or tomorrow, the same shall be accepted by the jail authorities at any time in jail and they shall be reached out and given to the Applicant for his study. The order is passed at the time of rising by taking the urgent praecipe on production board in view of the urgency expressed in the matter.
- 12.** Learned APP shall ensure that this order is communicated to the concerned Jail Authorities.
- 13.** All concerned parties are directed to act on a server copy of this order.
- 14.** Praecipe stands disposed of.
- 15.** Bail Application stands adjourned to **24th March, 2025.**

[MILIND N. JADHAV, J.]

Amberkar

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2025.03.10
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