

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

Bail Application No.5182 of 2024

Sandip Bharat Dhamale

Age : 38 years, Occ: Labour,

R/o.: Ghodake Wada, Near Manik

Lodge, Dagadi-Nagoba Temple,

Ravivar Peth, Pune.

(Now presently in Yerwada Central Prison) ... Applicant

versus

The State of Maharashtra Through

1. The Police Inspector,

Khed Police Station,

Khed, Pune.

2. ABC

(Victim of the alleged offence)

(Copy of application of Respondent

No.1 is served upon PP, Bombay

High Court)

(Copy of Respondent No.2 to be

served on her through the Police

Inspector, Khed Police Station) ... Respondents

Mr Narayan G Rokade, a/w Mr Rakesh Sonar, Mr Ramchandra Wagh, Ms Mrunmai Rokade, and Ms Ankita Ugalmugale, for the Applicant.

Mr Swapnil Walve, APP, for Respondent No.1 / State.

Ms Nilima C Sarvagod, for Respondent No.2 (through Legal Aid).

ASI 316 Vijay Vinayak Rahatekar, Khed Police Station, Pune Rural, is present.

Coram: R.N. Laddha, J.

Date: 20 November 2025

P.C.:

By this application, the applicant seeks bail in connection with CR No.154 of 2021, registered at Khed Police Station, Pune, for offences punishable under Sections 376(2)(J), 376(3), 201, 506 and 354B, and Sections 4, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. It is the case of the prosecution that the informant, mother of the 15-year-10-month-old victim girl, alleges that the applicant/ accused, her relative aged 38, visited their home on 11 March 2021 and stayed until 15 March 2021, sleeping in the hall where the victim and her brother also slept. On the night of 14 March 2021, the applicant gave the victim chocolate around 10:30 p.m., after which she felt drowsy and slept. At approximately 2:45 a.m., she awoke with pain in her private parts and found the accused lying on her, partially undressed, while her own nightwear was displaced. When she tried to scream, he threatened her and moved away. She changed her clothes and remained silent out of fear. The incident was later disclosed to the informant and her family.

The applicant had already left for Pune, and upon inquiry, his mother stated he had absconded, leading to the lodging of the present FIR.

3. Mr Narayan Rokade, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, submits that the applicant has been falsely implicated in the crime. It is submitted that at the time of rejection of the applicant's earlier bail application, the supplementary charge sheet had not been annexed thereto, and the reports from the FSL were awaited. The learned Counsel further submits that there is an inordinate and unexplained delay of four days in the registration of the FIR. It is further submitted that the medico-legal examination of the victim does not disclose any external or internal injuries on her person. The FSL report, now available on record, also does not corroborate the prosecution's case. It is submitted that the investigation in the present matter has been concluded, and the charge sheet was already filed in May 2021. The applicant has been languishing in jail since 28 May 2021 and has undergone incarceration for a period of nearly four and a half years. Despite the lapse of such a considerable period, the charge has not yet been framed. The applicant has no criminal antecedents and is willing to abide by any conditions that may be imposed by this Court, including

the condition of not entering the territorial limits of Pune district until the conclusion of the trial.

4. On the other hand, Mr Swapnil Walve, the learned Additional Public Prosecutor representing respondent No.1/ State, and Ms Nilima Sarvagod, the learned Counsel appearing for respondent No.2, jointly oppose the applicant's request for bail. It is submitted that the offence is of a grave and serious nature. The applicant is a relative of the informant's family, and the victim girl was a minor, aged about 15 years and 10 months, at the time of the incident. They express their apprehension that, if enlarged on bail, the applicant may interfere with the prosecution's evidence and exert undue influence upon the witnesses. Instead of granting bail, it is urged that appropriate directions be issued to the learned trial Court for expeditious disposal of the trial proceedings.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. While the allegations levelled against the applicant are undoubtedly grave and pertain to a minor victim, it is pertinent to note that the medico-legal examination of the victim does not reveal any external or internal injuries and the FSL report, now available on record, does not corroborate the prosecution's case. Furthermore, there exists an unexplained

delay of four days in lodging the FIR. The investigation in the present matter has concluded, and the charge sheet was filed as early as May 2021. Despite the lapse of over four and a half years, the charge has not yet been framed. The prosecution proposes to examine more than ten witnesses. The prolonged incarceration of the applicant without commencement of the trial proceedings militates against the principle of speedy justice and renders continued detention disproportionate. The liberty of an under-trial cannot be curtailed indefinitely, especially when the trial remains stagnant. The applicant has no criminal antecedents and has expressed willingness to abide by any conditions imposed by this Court, including the undertaking not to enter the territorial limits of Pune district until the conclusion of the trial. This assurance mitigates the apprehension of tampering with evidence or influencing witnesses. Accordingly, this Court finds it fit to grant bail to the applicant. Hence, the following order:

ORDER

- (i) The applicant shall be released on bail in CR No.154 of 2021, registered at Khed Police Station, Pune, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence or exert influence over witnesses.

(iii) The applicant shall refrain from entering the territorial limits of Pune District until the conclusion of the trial, save and except to attend trial proceedings.

(iv) The applicant shall regularly attend and cooperate with the jurisdictional Court for the expeditious disposal of the case.

(v) The applicant shall update and inform the Inspector of the concerned Police Station about his residential and contact details.

(vi) The applicant shall not contact the victim or her family members in any manner whatsoever.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)