

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 5340 OF 2024

Nanda Chintamani Nanaware ...Applicant

**Versus**

The State of Maharashtra and anr. ...Respondents

Ms. Trupti Shetty, for the Applicant.

Mr. A. A. Naik, APP for the State.

PSI Paresh Gargade, Versova Police Station, Mumbai, present.

**CORAM: N. J. JAMADAR, J.**

**DATED: 12<sup>th</sup> FEBRUARY, 2025**

**PC:-**

1. Heard the learned Counsel for the parties.
2. The applicant, who is arraigned in C.R. No.18 of 2021 registered with Varsova Police Station, Mumbai, for the offences punishable under Sections 366A, 370(1)(4) and 372 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code") and Sections 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 and Sections 4, 16, 17 and 18 of the Protection of Children from Sexual Offences Act, 2012, has preferred this application to enlarge her on bail.
3. In fact, this is the second application for bail. The first application, being BA/574/2024, was dismissed as withdrawn

on 4<sup>th</sup> July, 2024. While dismissing the said application, this Court had requested the learned Special Judge seized with Special Case No.131 of 2021 arising out of CR No.18 of 2021 to make an endeavour to conclude the trial in the special case as expeditiously as possible and, preferably, within a period of six months from the date of communication of the said order.

4. The said order was passed as by a previous order dated 31<sup>st</sup> January, 2024 in BA/574/2024 this Court had requested the trial court to commence and conclude the trial as expeditiously as possible.

5. The learned Counsel for the applicant submits that though the trial has commenced, only part examination-in-chief of the prosecution's first witness has been recorded in the month of August, 2024 and there has not been any progress thereafter. In the meanwhile, this Court has enlarged the co-accused on bail. Attention of the Court was invited to an order dated 28<sup>th</sup> November, 2024, whereby Munish @ Rahul Akhilesh Kumar Yadav, whose first bail application was rejected, has been enlarged on bail and another order dated 3<sup>rd</sup> October, 2024, whereby the co-accused Vinod Prabhu Gupta was released on bail.

6. The situation which thus obtains is that, out of four accused, three accused have already been enlarged on bail. The applicant has been in custody since 22<sup>nd</sup> January, 2021.

7. Having regard to the pace of the trial, despite a direction by this Court to conclude the trial in a time frame, it is extremely unlikely that the trial can be concluded within a reasonable period. The consideration of long period of incarceration without a real prospect of conclusion of the trial weighed with this Court in releasing Munish @ Rahul Yadav on bail. Thus, the principle of parity applies.

8. Since all other co-accused are enlarged on bail, I am persuaded to exercise the discretion in favour of the applicant, as well.

9. Hence the following order:

**: O R D E R :**

- (i) Application stands allowed.
- (ii) The applicant be released on bail in C.R. No.18 of 2021 registered with Varsova Police Station, Mumbai, on furnishing a P.R. Bond of Rs. 50,000/- with one or more sureties in the like amount, to the satisfaction of the learned Special Judge.
- (iii) The applicant shall mark her presence at Varsova police

station on the first Monday of every alternate month between 10.00 am. to 12.00 noon for the period of two years or till conclusion of the trial, whichever is earlier.

- (iv) The applicant shall not tamper with the prosecution evidence. The 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 him from disclosing the facts to Court or any police officer.
- (v) On being released on bail, the applicant shall furnish her contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.
- (vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and co-accused and the trial Court shall not be influenced by any of the observations made hereinabove.

Application stands disposed.

[N. J. JAMADAR, J.]