

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 17 OF 2025

Dr. Hemal Siddharth Mehta

.. Applicant

Versus

State of Maharashtra & Anr.

.. Respondents

.....

- Mr. Himanshu Vinod Kode for Applicant
- Ms. M.S. Bajoria, APP for State

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 20, 2025

P. C.:

1. Mentioned at the time of rising.
2. Heard.
3. This is an Application filed for setting aside of the order dated 12.05.2020. Though *prima facie* it is seen that the Application for cancellation of bail is filed on 06.01.2025 much belatedly, there are substantial reasons stated therein by learned Advocate for Applicant which deserve consideration and which shall be appropriately considered. The impugned order is at page No. 24 (Exh. A) of the Application. On perusal of the same, *prima facie* it is seen that the age of the victim girl is 7 years and in view thereof the victim / her legal guardian ought to have been impleaded and heard by issuing appropriate notice.

4. Mr. Kode, learned Advocate for Applicant would submit that no such notice was issued before passing of the bail order and it is only in December 2024, the legal guardian of the victim girl came to know about passing of the bail order dated 12.05.2020 from the Investigating Officer (IO) / prosecution when she made enquiry. That apart provisions of Section 439 of the Cr.P.C. also envisage that victim will have to be impleaded and appropriate notice will have to be issued to the victim and she will have to be heard.

5. On the basis of the above submissions, an arguable case is made out for issuance of notice by Mr. Kode. Hence, issue notice to Respondents returnable on 06.03.2025. Humdast permitted.

6. In addition to service of notice through Court, learned Advocate for Applicant shall serve one extra set of papers of the present Application on the concerned Investigating Officer (IO) who shall effect service of the set of papers of the Application on the Respondent No. 2 and obtain his acknowledgment and the same before Court through learned APP on the next adjourned date.

7. The aforesaid exercise shall be carried out within a period of two weeks from today. Needless to state that appropriate service through Court is also required to be undertaken by Advocate for Applicant.

8. Stand over to **6th March, 2025.** To be placed under the caption
"for Direction".

Amberkar

[MILIND N. JADHAV, J.]

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