

Nikita

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

BAIL APPLICATION NO.477 OF 2025

Kalpesh Sanjay Nikam ... Applicant

V/s.

The State of Maharashtra and Anr. ... Respondents

Mr. Satyam Harshad Nimbalkar a/w Mr. Abhishek Arote a/w Mr. Yash Saxena a/w Mr. Arun Chavan for the Applicant.

Ms. Veera Shinde, APP for the State.

Mr. Pandit Pawar, API, Khandeshwar Police Station, Navi Mumbai.

CORAM : ASHWIN D. BHOBE, J.

DATED : 24th JUNE, 2025

PC.:

1. Heard Mr. Satyam Nimbalkar, learned Advocate for the Applicant for some time.
2. Ms. Veera Shinde, learned APP for the State, submits that the Respondent No.2 (prosecutrix) was examined before the Trial Court. Applicant did not avail the opportunity to cross-examine the Respondent No.2 as such there is not cross-examination on behalf of the Applicant.]
3. Mr. Satyam Nimbalkar, on instructions, from the Applicant confirms that the examination-in-chief of Respondent No.2 is recorded and the opportunity of the Applicant to cross-examine the Respondent No.2 was closed. He states that steps will be taken to recall the said witness for cross-examination.

4. Mr. Satyam Nimbalkar, again on instructions from the Applicant to seek leave to withdraw the present bail application by seeking liberty to move a fresh bail application before the Trial Court after the cross examination of the Respondent No.2 (victim).
5. Ms. Veera Shinde, states that the request made by the Applicant is pre-mature as his request to recall the Respondent No.2 is yet to be considered and the same would be dependent on the outcome of the application for recall. She however submits that the Applicant can be permitted to renew his request in the event the Respondent No.2 is recalled and cross-examined.
6. In view of the statement made by Mr. Satyam Nimbalkar, leave granted to withdraw the present bail application, with liberty to file a fresh bail application before the Additional Sessions Judge, Panvel, Raigad, in Special (POCSO) Case No.09 of 2021 after the completion of the evidence of the Respondent No.2 (victim). Mr. Nimbalkar states that this liberty will be resorted to only after cross-examination of the Respondent No.2 and/or after the Applicant availing all remedies available to the Applicant in the event the recall application is declined by the Trial Court.
7. If any fresh application for bail is filed by the Applicant before the Additional Sessions Judge, Panvel, Raigad, the same would be considered on its own merits and in accordance with law.
8. Bail Application No.477 of 2025 is dismissed as withdrawn with liberty as above.

(ASHWIN D. BHOBE. J.)