

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.973 OF 2025

Sushil Rajendra Kadam

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Amit Icham, for the Applicant.

Ms. A. S. Gotad, APP for the Respondent-State.

Ms. Rekha Musale, appointed to represent the interest of the Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED: 6th MAY 2025

P.C.:

1. Heard Mr. Icham, learned Counsel appearing for the Applicant, Ms. Gotad, learned APP for the Respondent-State and Ms. Musale, learned Counsel appointed to represent the interest of the Respondent No.2.

2. This is a very serious case where the offence is under Sections 376, 376(2)(n), 376(2)(f), 376(2)(i), 377, 323, 506 of the *Indian Penal Code, 1860* (“**IPC**”) and under Sections 4, 6, 8 and 12 of the *Protection of Children From Sexual Offences Act, 2012* (“**POCSO**”). Apart from the other evidence on record the medical evidence supports the prosecution case.

3. However, when the Bail Application is taken up for hearing, the mother of the Respondent No.2 i.e. Victim informed the Court that Applicant be released on bail. This is a case where the Applicant (at the

relevant time of 32 years) is teacher of the victim (at the relevant time of 15 years) has committed rape on the victim on several occasions. Ms. Musale, learned Counsel appointed to represent the interest of the Respondent No.2, informs the Court that although she told the mother of the victim that consent should not be given and this is a serious case where the teacher has committed rape on the victim in spite of that the mother of the victim insisted that she and the victim has no objection for giving bail to the Applicant.

4. Thus, it is very clear that the Applicant is pressurizing the Respondent No.2 i.e. Victim.

5. As this matter was heard in the morning session and as this Court told the learned Counsel appearing for the Applicant that Court is not inclined to grant bail, learned Counsel appearing for the Applicant seeks withdrawal of the Bail Application. However, Mr. Icham, learned Counsel submits that liberty be granted to file fresh Bail Application if trial is not concluded within the reasonable period. Accordingly, the Bail Application is allowed to be withdrawn and dismissed as such with liberty to file fresh Bail Application after a period of one year.

6. In the facts and circumstances of this case as the offence is very serious and the witnesses are being tampered, the learned Trial Court is requested to conclude the trial expeditiously.

7. This Court places on record the appreciation of the Assistance

rendered by Ms. Musale, learned Counsel appointed to represent the interest of the Respondent-Victim. The High Court, Legal Services Authority, is requested to include the name of Ms. Musale, learned Counsel on their panel and pay the fees to the learned Counsel as per rules.

[MADHAV J. JAMDAR, J.]