

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

BAIL APPLICATION NO.1361 OF 2025

Sabio Bento Pingle	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr. Saurabh D. Butala, Advocate for the Applicant

Mrs. Kranti T. Hiwrale, APP, for the Respondent – State

Ms. Meghna Gowalani, Advocate for the Respondent No.2 - State

Mr. Gopinath Kendre, PSI, Malavani Police Station, Mumbai

CORAM : SANDESH D. PATIL, J.

DATE : 11TH NOVEMBER 2025

P.C.

1. The present application is filed by the applicant for his release on bail in connection with CR No.239 of 2017 registered with Malavani Police Station, Mumbai, for the offence punishable under Section 376(2) (l) and 328 of Indian Penal Code.

2. The complainant is mother of the victim. The victim is deaf and dumb.

3. The complainant has stated in the complaint that her husband as well as her other daughter both are deaf and dumb. It is stated that her elder daughter who is prosecutrix, who is also deaf and dumb was found vomiting in the house, thereupon she was taken to doctor, who informed that the prosecutrix is pregnant. The prosecutrix is about 20 years of age as contended by the complainant in the FIR.

4. The statement of the victim was recorded. She has narrated in details the manner in which offence has committed. She has also narrated in details in her supplementary statement dated 19th April 2017 as to the manner in which offence has committed. Mr. Saurabh Butala, learned advocate appearing for the applicant has vehemently argued the application. He states that there are contradictions in the statement of the prosecutrix, which was recorded initially and the statement which was recorded as supplementary statement.

5. Learned APP as well as learned counsel appointed through legal aid submits that trial has already began and about 4 witnesses are already examined. Learned APP on instructions states that 10 more witnesses are to be examined.

6. With the assistance of the learned counsels appearing for both the sides, I have perused the documents on record.

7. The applicant was arrested on 17th April 2017. The prosecutrix had to undergo abortion on 30th March 2017. The arguments advanced by Mr. Butala regarding contradictions in the statement recorded under Section - 161 of the prosecution cannot be considered at this stage. The trial has already begun and only 10 witnesses are to be examined. It is informed by the learned APP that the trial is going on smoothly before the learned Sessions Judge, Dindoshi. The offence is serious in nature.

8. In these circumstances, this is not a fit case to release the applicant on bail. The trial court to proceed with the trial and decide the session case as expeditiously as possible, preferably within a period of six months from today.

9. In the event, if the trial is not over within a period of six months, liberty is granted to the applicant to apply once again.

10. With the aforesaid directions, nothing survives for consideration in this bail application, the bail application is accordingly disposed of.

11. At this juncture, I would like to place appreciation for Mr.Butala as well as Ms.Gowalani, who are appearing for legal aid.

(SANDESH D. PATIL, J.)

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