

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1410 OF 2025

Shubham Gajanan Vanarse ... Applicant
Vs.
The State of Maharashtra and Anr. ... Respondents

Ms. Ashwini B. Jadhav i/by Mr. Sham Walve, Advocates for the Applicant.

Ms. Deepali Bagla, Advocate for Respondent No.2.

Mr. Dinesh Haldankar, APP for State.

PSI S.P. Pawar, Poladpur Police Station, Raigad.

CORAM : ASHWIN D. BHOBE, J.

DATE : 12th DECEMBER, 2025.

P.C. :

1. By the present application the Applicant is seeking bail in connection with Crime No.41 of 2019 registered with Poladpur police station for the offence punishable under Sections 307, 392, 354, 354-D(1)(i), 504, 506 of the Indian Penal Code and under section 9(h)(r) and 10 of the Protection of Children From Sexual Offences Act, 2012. said Crime No.41 of 2019 is registered a Special Case No.106 of 2020 and is pending before the Court of Sessions Court, Mangaon-Raigad.

2. Bail Application at Ex.16 filed by the Applicant in Special Case

No.106 of 2020 was rejected by the Special Judge, Mangaon, Raigad, on 8th December, 2020.

3. Ms. Ashwini Jadhav, learned Advocate for the Applicant by relying on the deposition of Vrushali Turde (PW 1) and the Victim, recorded in Special Case No.106 of 2020 submits that there are discrepancies in their statements which would accrue in favour of the Applicant, warranting grant of Bail. She submits that after recording of the statement of the victim on 7th October, 2023, trial of Special Case No.106 of 2020 has not proceeded.

4. Mr. Haldankar, learned APP for the State and Ms. Deepali Bagla, Advocate for Respondent No.2 disputes the contentions of Ms. Ashwini Jadhav.

5. Mr. Haldankar, learned APP for the State submits that the proceedings of Special Case bearing No.106 of 2020 have progressed substantially. He on instructions from the Investigation Officer states that the prosecution shall examine two more witnesses namely Vikrant Shiwanand Prabhulkar and the Investigation Officer. He again on instructions states that the prosecution shall complete prosecution evidence within a period of two months from today.

6. The Hon'ble Supreme Court in the case of X Vs. State of Rajasthan & Anr¹. in paragraph Nos. 14, 15 and 16 has made the following observations:-

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

15. Over a period of time, we have noticed two things, i.e., (i) either bail is granted after the charge is framed and just before the victim is to be examined by the prosecution before the trial court, or (ii) bail is granted once the recording of the oral evidence of the victim is complete by looking into some discrepancies here or there in the deposition and thereby testing the credibility of the victim.

16. We are of the view that the aforesaid is not a correct practice that the Courts below should adopt. Once the trial commences, it should be allowed to reach to its final conclusion which may either result in the conviction of the accused or acquittal of the accused. The moment the High Court exercises its discretion in favour of the accused and orders release of the accused on bail by looking into the deposition of the victim, it will have its own impact on the pending trial when it comes to appreciating the oral evidence of the victim. It is only in the event if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed”.

7. Faced with the above said situation, Ms. Ashwini Jadhav, learned Advocate for the Applicant on instructions from the Applicant

¹ 2024 SCC OnLine SC 3539

craves leave to withdraw the present Bail Application by requesting for a direction to the Trial Court to dispose of Special Case bearing No.106 of 2020 within a time bound manner. She states that the Applicant will cooperate in the early disposal of the case. Mr. Haldankar and Ms. Deepali Bagla, do not object to the request made by Ms. Ashwini Jadhav.

8. In view of the above, leave to withdraw Bail Application no.1410 of 2025 is granted.

9. Considering the statement made by the Mr. Haldankar, learned APP for the State and the assurance given by Ms. Ashwini Jadhav of the Applicant co-operating in the early disposal of Special Case No.106 of 2020, the Special Judge, Mangaon, Raigad is requested to make an endeavour to dispose of the proceedings of Special Case No.106 of 2020 expeditiously and at any rate within a period three months from 1st January, 2026. Ms. Ashwini Jadhav, learned Advocate for the Applicant undertakes to produce the copy of this order before the Special Judge, Mangaon, Raigad within two weeks from today.

10. Criminal Bail Application No.1410 of 2025 is disposed of in above terms.

(ASHWIN D. BHOBE, J.)