

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1523 OF 2025

Kamalkishor Babulal Arya

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

- Through Jail
- Ms. Megha S. Bajoria, APP for Respondent - State

.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 17, 2025

P. C.:

1. Applicant has addressed a letter dated 08.03.2025 from jail requesting for bail. Applicant is indicted for offences punishable under IPC and POCSO. At present Applicant is 75 years old.

2. Reference is given to earlier Bail Application No. 864/2024 filed by him through jail in which Advocate was appointed to espouse the cause of the Applicant. Said Application was rejected by order dated 14.03.2024 holding that in view of the facts in the present case, it was not a fit case for grant of bail. However considering the long incarceration of the Applicant, this Court had specifically directed the trial Court to conclude the trial expeditiously within a period of one year from that date. Present letter addressed by the Applicant states that trial has not proceeded any further thereafter save and except for issuance of notices and summons to the witnesses to appear. The

incarceration of the Applicant is for more than 5 years and 10 months pending trial. In view of the order dated 14.03.2024, the case of the Applicant is required to be considered for bail. Considering that the Application is received through jail and in view of the long incarceration of the Applicant, present Application will have to be taken up for hearing immediately.

3. Considering that there is no representation on behalf of the Applicant in the present Application, I direct High Court Legal Services Committee to appoint Mr. Atharva S. Jagtap, learned Advocate practicing in this Court (Contact No. 9892851488) to represent the Applicant through the Legal Aid. High Court Legal Services Committee shall give appointment letter to the appointed Advocate immediately. Registry is also directed to handover copy of the present Bail Application to the learned appointed Advocate immediately.

4. Considering the indictment of the Applicant under IPC and POCSO, the victim will have to be made a party Respondent through her legal guardian for determining the present Application. Hence, learned appointed Advocate is directed by the Court to carry out amendment so as to implead the victim as Respondent No. 2 through the concerned Police Station. Let the amendment to that effect be carried out before the next date. Re-verification stands dispensed with.

5. Stand over to **24th April, 2025**. To be placed under the caption
"for Directions".

Amberkar

[MILIND N. JADHAV, J.]

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by RAVINDRA
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2025.04.17
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