

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1523 OF 2025

Kamalkishor Babulal Arya

.. Applicant

Versus

The State of Maharashtra and Anr.

.. Respondents

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- Mr. Atharva S. Jagtap, Advocate for Applicant appointed through legal aid.
- Ms. Rajeshree V. Newton, APP for Respondent.
- PSI – Rahul Phad, Tulinj Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 07, 2025

P.C.:

1. Heard Mr. Jagtap, learned Advocate for Applicant appointed through legal aid and Ms. Newton, learned APP for Respondent.

2. At the outset Ms. Newton, learned APP order dated 24.04.2025 stands complied with. Respondent No.2 – prosecutrix has requested grant of legal aid and appointment of Advocate through legal aid. Her consent is taken on record.

3. Considering the indictment and arrest of Applicant under provisions of Indian Penal Code, 1860 (for short ‘IPC’) and the Protection of Children from Sexual Offences Act, 2012 (for short ‘POCSO Act’), Ms. Ashwini Achari, Advocate (Mobile No.7045690242) practising in this Court is appointed as Advocate to represent and espouse the case of Respondent No.2.

4. The High Court Legal Services Committee of this Court is directed to give appointment letter and papers of the matter to the appointed Advocate forthwith in accordance with law through the legal aid.

5. Advocate for Applicant shall serve a copy of Application on the appointed Advocate forthwith. Appropriate instructions can be given by Respondent No.2 to the appointed Advocate so that the same can be placed before this Court on the next adjourned date.

6. Learned APP shall inform the Investigating Officer to furnish the details of First Informant to the appointed Advocate and through the Investigating Officer also give the details of the appointed Advocate to Respondent No.2 / guardian of Respondent No.2.

7. Applicant is incarcerated in prison from 30.06.2019. Trial has commenced. 3 out of intended 13 prosecution witnesses have been examined.

8. Learned Advocate for Respondent No.2 is directed to peruse the charge-sheet and appear on the next adjourned date to enable this Court to consider the Bail Application of Applicant.

9. *Prima facie*, long incarceration of Applicant pending trial, case has been made out for grant of bail. However, after the learned Advocate for Prosecutrix appears on the next adjourned date,

Application for grant of bail shall be considered by the Court.

10. However, considering the long incarceration of Applicant, liberty is granted to learned Advocate for Applicant to move the Vacation Bench after compliance of this order on giving prior notice to prosecution.

11. Stand over to 26th June, 2025.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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