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

CRIMINAL BAIL APPLICATION NO. 2808 OF 2025

Viki Shambhuling Sutar

... Applicant

Vs.

The State of Maharashtra & Anr.

... Respondents

Mr. Kuldeep Nikam a/w Nishi Singhvi, Mr. Devendra Kale and Shital Shinde, Advocate for the Applicant.

Ms. Kanchan Pawar, Advocate for Respondent No.2.

Ms. M. H. Mhatre, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 13th AUGUST, 2025.

P.C. :

1. Heard Mr. Kuldeep Nikam, learned Advocate for the Applicant and Ms. M. H. Mhatre, learned APP for the State.

2. By the present Application, Applicant is seeking bail in Crime No.453 of 2017 registered with Pimpri Police Station for the offences punishable under Sections 376 and 506 of the Indian Penal Code (for short "IPC") and under Sections 3, 4, 5(J)(2) & 6 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO Act" for short). Said crime is registered as Special Case Child Protection No.261 of 2018 and is pending on the file of the Additional Sessions Judge, Pune.

3. Applicant was arrested on 26th March, 2018, since then he is in jail. Bail Application at Exhibit-25 filed by the Applicant in Special Case Child Protection No.261 of 2018 was rejected by the Additional Sessions Judge, Pune on 7th July, 2025.

4. Mr. Kuldeep Nikam, learned Advocate for the Applicant, submits that Applicant is seeking bail on the sole ground of long incarceration and denial of Applicant's right to a speedy trial. He submits that the Applicant is in jail for almost 7 years and 4 months. He submits that the charge was framed in the month of January, 2022. He submits that till date the prosecution has examined one witness out of the 12 witnesses cited. He submits that there is no possibility of the trial concluding in the near future, considering the slow progress of the trial.

5. Ms. M. H. Mhatre, learned APP for Respondent-State, submits that the charge was framed in the month of January, 2022 and the trial has commenced. Ms. M. H. Mhatre, submits that the Applicant has criminal antecedents. In rejoinder to the submissions of Ms. Mhatre, Mr. Kuldeep Nikam submits that the Applicant is on bail in the said offences and that the said offences are not similar to the offences charged in the present crime.

6. Ms. Kanchan Pawar, learned Advocate for Respondent No.2, submits that the victim has now settled in life. She submits that if the Applicant is released on bail, stringent conditions be imposed on the Applicant, including a condition that the Applicant shall not contact the victim or her family in any manner.

7. I have perused the records with the assistance of the learned Advocates.

8. Records placed before me reveal that the Applicant was arrested on 26th March, 2018. It is almost 7 years and 4 months that the Applicant is incarcerated as an under trial. As submitted by the learned

Advocate for the parties, charge in the said Crime No.453 of 2017 was framed in the month of January, 2022, since then the prosecution has examined only one witness. Considering the said factual matrix, Mr. Kuldeep Nikam would be justified in pressing the ground of denial of speedy trial. Conclusion of the trial would be delayed.

9. It is on the sole ground of long incarceration that this Court is compelled to release the Applicant on bail. Applicant cannot continue to be incarcerated as an under trial, indefinitely.

10. Apprehensions expressed by Ms. Kanchan Pawar on behalf of Respondent No.2 can be taken care of by imposing condition to that effect.

11. In view of the above, the present Bail Application is allowed, on the following conditions:-

(a) Applicant is directed to be released on bail in connection with Crime No. 453 of 2017, registered with Pimpri Police Station, Pune, upon furnishing P.R. Bond in the sum of Rs. 25,000/- each with one or two sureties each in the like amount, to the satisfaction of the Additional Sessions Judge, Pune.

(b) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing the facts to the Court or any police officer and Applicant shall not tamper with evidence.

(c) Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the Investigating Officer, Pimpri Police Station Dist. Pune.

(c) Applicant shall attend and regularly appear before the Additional Sessions Judge, Pune in Special Case Child Protection No.261 of 2018 on each date of hearing unless exempted specifically by the Court.

(d) Applicant shall not contact the victim or the family of the victim in any manner.

12. Criminal Bail Application No.2808 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE, J.)