

Shabnoor

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

BAIL APPLICATION NO.2930 OF 2024

Rajesh Manohar Jadhav ... Applicant
V/s.
State of Maharashtra & Anr. ... Respondents

**WITH
INTERIM APPLICATION NO.902 OF 2025
IN
BAIL APPLICATION NO.2930 OF 2024**

Rajesh Manohar Jadhav ... Applicant
V/s.
State of Maharashtra & Anr. ... Respondents

Mr. Niranjan Bhavaka a/w Drishti Madhani a/w
Swamini Tahkur a/w Anurag Ramekar i/b Niranjan
Bhavake for the Applicant.

Mr. Sagar R. Agarkar, APP for State – respondent No.1.

Ms. Vilasini Balasubramanian for respondent No.2 –
victim.

Mr. R. G. Gujar, PSI, Malad Police Station.

CORAM : AMIT BORKAR, J.

DATED : JULY 17, 2025

P.C.:

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, whereby the applicant seeks his release on bail in connection with Crime Register No. 621 of 2021

registered with Malad Police Station, Mumbai, for offences punishable under Sections 376(2)(n)(ab)(f), 354, 323, 509 and 506(2) of the Indian Penal Code, 1860, Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. According to the prosecution, the complainant resides with his family and works in the film industry. In 2008, he married Sumitra Gyanbhau Jagtap. On 2nd February 2010, he had a daughter with Sumitra. In June 2010, Sumitra was taken to Mumbai by the complainant's father-in-law, Manbhau Jagtap, for medical treatment, as she was unwell. However, after that visit, Sumitra did not return to the complainant's home. When the complainant inquired about her whereabouts after a few months, his father-in-law informed him that Sumitra had remarried one Rajesh Jadhav. Since then, Sumitra and her second husband Rajesh have been residing in Goregaon and have been taking care of the complainant's daughter. In 2015, the complainant entered into a second marriage with one Pooja Sudam Raut, with whom he has a son. The complainant's daughter currently resides with her maternal uncle, Nandkishore, at Junnar. The complainant states that he has never met his daughter. The factual matrix reveals a complex family arrangement wherein the complainant's first marriage ended in separation, leading to his daughter being cared for by her mother's second husband.

3. On 29 June 2021, the complainant noticed that her daughter appeared very tense and was sitting quietly. Upon further inquiry,

the complainant came to know the reason behind her behavior that during her stay with the applicant, he had repeatedly sexually assaulted her when her mother was at work. He had threatened to kill her if she disclosed the incident to anyone. Thereafter, she informed her relatives and the complainant about the abuse. Thereafter, an FIR was registered. The applicant has been arrested. It appears that the applicant had applied for bail before the Sessions Judge, which came to be rejected. Therefore, the applicant has now filed this bail application.

4. The learned advocate for the applicant drew my attention to the statement of victim's mother to urge that there existed a serious dispute between the victim's mother, father, and the applicant. He submitted that the said statement reveals that, due to such dispute, the applicant had even attempted to set himself on fire. The applicant counsel's argument attempts to establish that the allegations may have been motivated by personal animosity and family disputes rather than being based on genuine incidents of abuse. The reference to the applicant's alleged suicide attempt is presented as evidence of his mental state and possibly to suggest that he was under severe stress due to false allegations.

5. Furthermore, he submitted that the applicant was arrested on 25 October 2021. The prosecution has cited a total of 15 witnesses, out of which only two have been examined so far. He argued that the delay in trial amounts to a violation of the applicant's fundamental right to a speedy trial as guaranteed under Article 21 of the Constitution of India. It is, therefore, prayed that the applicant be released on bail. Moreover, delay in trial breach of

fundamental right of speedy trial of the applicant under Article 21 of the Constitution of India. It is, therefore, requested that the applicant be released on bail.

6. On the other hand, the learned Additional Public Prosecutor (APP) and the Advocate appointed to represent the victim have opposed the grant of bail to the applicant. They submitted that the offences alleged against the applicant are of a serious and grave nature. The allegations pertain to repeated sexual assault on the victim, who was aged 11 years and 5 months at the time of the incident. They further drew attention to the statement of the victim's uncle, to whom the victim had first disclosed the incident during a visit to his residence. They, therefore, submitted that the alleged offences against the applicant being serious. Hence, the application deserves to be rejected.

7. Having carefully considered the submissions made by both sides, the material on record, and the applicable legal principles, this Court finds it appropriate to grant bail to the applicant for the following reasons:

8. The applicant has been in custody since 25th October 2021, which amounts to a period of nearly three years eight months. While the gravity of the offences cannot be overlooked, the constitutional guarantee of speedy trial under Article 21 of the Constitution of India is equally sacrosanct. The Supreme Court in *Hussainara Khatoon v. State of Bihar (1980) 1 SCC 81* has categorically held that prolonged detention without trial violates Article 21 of the Constitution.

9. The progress of the trial has been undeniably slow, with only two out of fifteen witnesses being examined despite the passage of considerable time. While some delay in POCSO cases is understandable given their sensitive nature, the current pace of proceedings does not justify the continued detention of the applicant. The Court notes that the delay is not attributable to any dilatory tactics employed by the defense, but appears to be systemic in nature.

10. In the present case, while the offences are serious, the applicant has been cooperating with the investigation and has not attempted to abscond or interfere with the judicial process. The applicant's roots in the community and his family responsibilities suggest that he is unlikely to flee from justice.

11. While the Court does not wish to pre-judge the merits of the case, it cannot ignore the defense counsel's submissions regarding the family disputes and the complex relationship dynamics involved. The statement of the victim's mother, as referred to by the defense, does indicate the existence of serious disputes between the parties. While family disputes alone cannot be grounds for dismissing serious criminal charges, they do raise questions about the possible motivation behind the allegations that deserve careful examination during trial. The Court notes that the applicant's alleged suicide attempt, as mentioned in the defense submissions, could be indicative of his mental state and the stress caused by the allegations. However, this factor alone is not determinative of innocence or guilt but does suggest that the applicant may not pose a significant flight risk.

12. In the present case, the victim is currently residing with her maternal uncle at Junnar, which provides her with a safe environment away from the applicant. The Court finds that appropriate bail conditions can ensure that there is no contact between the applicant and the victim, thereby protecting her interests while allowing the applicant to exercise his right to liberty.

13. Considering the nature of the case and the need to balance the applicant's right to liberty with the protection of the victim and the integrity of the trial process, the Court deems it appropriate to grant bail to the applicant subject to the following stringent conditions.

14. In view of the above discussion, the following order is passed:

(a) The Bail Application stands allowed.

(b) The applicant, shall be released on bail in connection with Crime Register No. 621 of 2021 registered with Malad Police Station, Mumbai, for offences punishable under Sections 376(2)(n)(ab)(f), 354, 323, 509 and 506(2) of the IPC, Sections 4, 6, 8 and 12 of the POCSO Act, and Section 75 of the Juvenile Justice Act, on executing a Personal Bond in the sum of ₹25,000/- (Rupees Twenty-Five Thousand only) with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court.

(c) The applicant shall not directly or indirectly make any contact with the family members of the victim or any

prosecution witnesses, and shall not tamper with the evidence in any manner.

(d) The applicant shall report to the concerned police station once in every month (i.e., on 1st day of every month) between 10:00 a.m. to 12:00 noon, until further orders.

(e) The applicant shall furnish his current residential address and mobile number to the Investigating Officer, and shall inform the Investigating Officer of any change in address or contact details forthwith.

(f) In case of any breach of the conditions mentioned above, the prosecution and the victim's relatives shall be at liberty to move for cancellation of bail.

15. The Bail Application stands disposed of accordingly in above terms.

16. In view of the disposal of the present bail application, nothing survives in the interim application. Hence, the interim application stands disposed of accordingly.

(AMIT BORKAR, J.)