



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (BA) NO. 588 OF 2025

(Ramdasrao Omkar Katole

Vs.

State of Maharashtra, Thr. PSO, PS Chandur Bazar, Tq. Chandur Bazar,
 District Amravati & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. S.S. Jadhav, Advocate for the Applicant.

Mr. V.A. Thakare, APP for the Non-applicant/State.

Ms. P.D. Pisurde, Advocate (Appointed) for the Non-applicant No.2/Victim.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 14th AUGUST, 2025

1. The Applicant came to be arrested on 27.01.2020 in connection with Crime No.44/2020 registered with Police Station Chandur Bazar, District Amravati for the offences punishable under Sections 376(3) r/w Section 34 of the Indian Penal Code and Sections 4, 6 & 17 of the Protection of Children from Sexual Offences Act.

2. The crime is registered on the basis of the report lodged by the Victim Girl on an allegation that her mother had expired in the year 2017 and she was residing alongwith her father and brother. The present Applicant is her father who subjected her for the forceful sexual intercourse. On the basis of the said report, the Police have registered the crime against the present Applicant.

3. Heard learned Counsel for the Applicant, who submitted that since the date of arrest i.e. 27.01.2020 the present Applicant is behind bars and there is no substantial progress in trial, and therefore, the present Applicant cannot be kept behind bars for indefinite period. Now, Victim is already examined before the Trial Court and she has not supported the prosecution case and sufficient time is required for the prosecution to conclude the trial. In view of that, being there is an inordinate delay in trial, the right of the present Applicant as to the speedy trial enshrined under Article 21 of the Constitution of India is violated, and therefore, he be released on bail.

4. Learned APP and learned Counsel for the Victim, strongly opposed for the same and submitted that though the Victim has not supported the prosecution case there is other evidence on the basis of the which the prosecution can prove its case beyond reasonable doubt. In view of that and considering that the trial is already commenced, the Application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers, it reveals that the present Applicant is the father of the Victim. The Victim has already adduced her evidence before the Court, she has not supported the prosecution case as far as the allegation regarding the sexual assault on her person. Moreover, the present Applicant is arrested on 27.01.2020 and since then only two witnesses are examined, the present Applicant cannot be kept behind bars for indefinite period. Admittedly, the right of the present

Applicant enshrined under Article 21 of the Constitution of India of a speedy trial is affected. In view of that, the Application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- i.** The Application is **allowed**.
- ii.** The Applicant – Ramdasrao Omkar Katole in connection with Crime No.44/2020 registered with Police Station Chandur Bazar, District Amravati for the offences punishable under Sections 376(3) r/w Section 34 of the Indian Penal Code and Sections 4, 6 & 17 of the Protection of Children from Sexual Offences Act, be released on bail, on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand) with one solvent surety in the like amount.
- iii.** The Applicant shall attend the proceedings before the Trial Court without seeking any exemption unless there are exceptional circumstances.
- iv.** The Applicant shall cooperate with the Trial Court to dispose of the trial at the earliest.
- v.** The Applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

6. Fees of the learned Appointed Counsel be quantified as per rules.

7. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)

SD. Bhimte