IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 940 OF 2025

Harish Dhanaji Galiyal ... Applicant
V/S.
State of Maharashtra and Anr. ... Respondents

Ms. Sana Shaikh a/w.Nisha Lakariya, Maaya Updeshe, Pratik Thadani, Shraddha Gaikwad, Nabratu Jadhav, Sneha Lad, Amitech Kambale and Sunanda Shinde, for the applicant.
Mr. H.J. Dedhia, APP for Respondent No.1–State.
Ms. Meghna Gowalani, (appointed), for Respondent No.2.
Ms. Sanjivani Todkar, PSI, Kolsewadi PS, present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 7th OCTOBER, 2026

P.C. :-

1. Heard learned Counsel for the parties. Perused the record.

2. Ms. Shaikh, learned Counsel for the applicant, has tendered the photocopies of the charge and Roznama in the case. The same are taken on record and marked as '**X**', respectively.

3. The applicant is seeking his release on bail in connection with C.R. No. 80 of 2020, registered with Kolesewadi Police Station, Kalyan, Thane for the offence punishable under Sections 363, 376(4)(3) of the Indian Penal Code, 1860 (for short, "IPC") and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short, "POCSO"), on the report dated 23.02.2020 lodged by Shrikant Chandrakant Kardak against the applicant.

4. The allegation against the applicant is that he had abducted the minor victim girl aged about 12 years and 4 months, taken her to various places between 23.02.2020 and 17.03.2020, and

subjected her to sexual intercourse. The applicant's bail application was rejected by the Special Court. Thereafter, the applicant preferred Bail Application No. 1851 of 2023 before this Court, which also came to be rejected.

5. Ms. Shaikh, learned Advocate submits that the applicant has been in custody for more than 6 years and 8 months. Although charge has been framed in the year 2024, the trial has not sufficiently advanced. Therefore, the applicant is entitled to bail on the ground of prolonged incarceration.

6. In reply, Mr. Dedhia, learned APP and Ms. Gowalani, learned Counsel for Respondent No.2 have submitted that the applicant himself is blamable for delay in the trial because his Advocate on record is not regularly attending before the Trial Court. Therefore, they urged that bail be refused.

7. I have considered these submissions and perused the *Roznamas* of the case produced. The *Roznamas* indicate that on various occasions, the Advocate for the applicant was absent before the Trial Court. However, at the same time, the Trial Court was also busy in bail matters and/or recording evidence in other cases. Mr. Dedhia, learned APP, on instructions from Ms. Sanjivani Todkar, PSI, Kolsewadi Police Station, stated that PW-1, father of the victim girl, is in the witness box. However, his examination-in-chief is yet not completed. Mr. Dedhia stated that the prosecution is going to examine about 8 to 10 witnesses. Therefore, the trial is not likely to conclude in few months. At the time of the incident, the applicant was of only 22 years old. That, more than six years long incarceration must have caused him great mental stress and hardship.

8. In the wake of the above, I am inclined to release the applicant on bail. Hence, the following Order:

(i) The applicant- Harish Dhanaji Galiyal be released on bail in the aforesaid FIR registered with Kolsewadi Police Station, Kalyan, Thane on his executing P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The applicant shall mark his attendance at Kolsewadi Police Station, Kalyan, Thane on 1st day of each month between 11:00 a.m. to 2:00 p.m. till conclusion of the trial.

(iii) The applicant shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.

(iv) The applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence the prosecution witnesses to prevent them from deposing against him.

(v) On being released from jail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated in case there is any change.

(vi) It is clarified that any observation made in the present Order are for the purpose of deciding the present bail application and should not influence the outcome of the

trial and also not be taken as an expression of opinion on the merits of the case.

9. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)

SANJAY ASARAM MANDAWGAD
Digitally signed by SANJAY ASARAM MANDAWGAD
Date: 2026.10.08 14:57:30 +0530