HEMANT CHANDERSEN SHIV

Digitally signed by HEMANT CHANDERSEN SHIV
Date: 2026.08.19 19:40:38 +0300

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1906 OF 2026

Vinodkumar Ganpatlal Ajneria .... Applicant
V/s.
State of Maharashtra & Anr. ...Respondents

Mr. Prabhanjay R. Dave with Tanmay R. Tendulkar for the Applicant.
Mr.T. G. Khan, APP for Respondent No.1 – State.
Ms. Ruju Thakkar, Advocate appointed for Respondent No.2.
Mr. Janardhan Chogule, PSI, Andheri police station present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 18th AUGUST, 2026

P.C. :-

1. Heard learned Counsel for the parties.

2. Present Application seeks release of the Applicant on bail in connection with C.R. No.51 of 2021, registered with Andheri police station, Mumbai for the offence punishable under Sections 336A, 370(1)(4), 372 and 34 of the Indian Penal Code ("IPC"), under Sections 4 and 5 of Immoral Traffic (Prevention) Act, 1956 ("PITA") and under Sections 4, 16, 17 and 18 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO Act") on the report lodged by Mr.Rupesh More, Police Constable.

3. The prosecution case is that, the Applicant in furtherance of his common intention with co-accused instigated the victim girl aged 14 years to enter into prostitution by giving her an allurement of money. Police conducted a raid with the help of a decoy customer and panchans and apprehended the Applicant along with co-accused while committing the said offence.

Accordingly, the aforesaid crime came to registered and on completion of investigation charge-sheet was filed.

4. Mr.Dave, learned Counsel for the Applicant submitted that the Applicant is seeking bail only on the ground of prolonged incarceration.

5. In reply, Mr.Khan, learned APP submitted that, admittedly, the first Bail Application was rejected on merits. No new ground is made out for bail. Therefore and, considering the seriousness of offence, the bail may be refused.

6. I have considered these submissions. The Applicant's earlier BA/684/2023 was rejected by this Court on merits, but, granting the liberty to renew his prayer for bail, if the trial does not progress substantially and the delay is not attributable to the Applicant. Till the date, the Applicant has undergone for 5 years and 7 months as an under-trial prisoner. Although, charge is framed, no witnesses is examined and the delay is not attributable to the Applicant, submits Mr.Dave. This submission has not received any resistance from the Respondent.

Co-accused Ashish Patel has been granted bail by this Court *vide* Order dated 29.04.2025 in BA/1402/2025, as he was incarcerated for a period of 4 years 3 months. Since then, there is no material progress in the case. Additionally, it was noticed that the victim girl is not traceable. Therefore, it cannot be said that the trial will be concluded in the foreseeable future.

7. As a result, the Applicant is entitled for bail on the ground of prolonged incarceration. Hence, following Order :-

(i) The Applicant – Vinodkumar Ganpatlal Ajneria be released on bail in aforesaid FIR registered with Andheri police station, Mumbai, on his executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(ii) The Applicant shall mark his attendance at Andheri police station, Mumbai on 15th day of a month every two months 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 upon 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) The Applicant shall not enter within the jurisdiction of Mumbai till the conclusion of the trial, except to mark his attendance in Andheri police station, Mumbai and before the trial Court.

(vii) The Applicant shall not indulge in identical activities for which he has been arraigned in this case.

(viii) 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 out come of the trial and also not be taken as an expression of opinion on the merits of the case.

8. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)