

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

CRIMINAL BAIL APPLICATION NO. 4564 OF 2025

Ishwar Ashok Shinde

...Applicant

VERSUS

The State of Maharashtra and Anr.

...Respondents

....

Adv. Shashi Pande, Advocate for the Applicant.

Ms. S. M. Yadav, A.P.P. for the Respondent – State.

Adv. Deepali Bagla, Advocate for the Complainant.

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CORAM : N. R. BORKAR, J.
DATE : 04.03.2026.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 325 of 2021 registered at Sahkarnagar Police Station, for the offences punishable under Sections 377 & 506(ii) read with 34 of the Indian Penal Code, Sections 3, 4, 5(g), 6, 7, 8, 9(g), 10, 11(ii), 12, 13, 14, 15 & 16 of the Protection of Children From Sexual Offences Act and Section 67-B of the Information Technology Act.

3. The allegations against the applicant and co-accused are of penetrative sexual assault.

4. I have heard the learned counsel for the applicant, the learned APP for the respondent/State and the learned counsel for the victim.

5. The bail is sought on the ground of long incarceration as an undertrial prisoner. The learned counsel for the applicant submits that the applicant is in jail for four years and three months. It is submitted that except for the framing of charge, there is no progress in the trial. It is further submitted that there are no other criminal antecedents against the applicant. The learned counsel for the applicant submits that at the relevant time the applicant was 21 years old.

6. On the other hand, the learned APP for the Respondent/State and learned counsel for the victim submit that the applicant is involved in serious offence of penetrative sexual assault. It is submitted that there are two minor victims. It is submitted that considering the nature of crime, the applicant may not be released on bail.

7. The fact that the applicant is in jail for four years and three months is not disputed. Considering the said fact, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released on bail in Crime No. 325 of 2021 registered at Sahkarnagar Police Station, for the offences punishable under Sections 377 & 506(ii) read with 34 of the Indian Penal Code, Sections 3, 4, 5(g), 6, 7, 8, 9(g), 10, 11(ii), 12, 13, 14, 15 & 16 of the Protection of Children From Sexual Offences Act and Section 67-B of the Information Technology Act, on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11:00 am to 2:00 pm, till conclusion of the trial.

D] The applicant shall not tamper with the prosecution evidence.

(N. R. BORKAR, J.)