

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4581 OF 2025

|                               |                |
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| Sirajuddin Kamruddin Ansari   | ...Applicant   |
| <i>Versus</i>                 |                |
| State of Maharashtra and Anr. | ...Respondents |

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**Mr. Prakash N Wagh** a/w Archana Wagh, for the Applicant.  
**Mr. A.S. Gawai**, APP for the Respondent-State.  
**Ms. Komal Sinha**, for the Respondent No.2.  
**Mr. Shivaji Patil**, Nizampur Police Station, present.

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**CORAM:** R. M. JOSHI, J.  
**DATED:** 06<sup>th</sup> MAY, 2026.

**PC:-**

1. The Applicant seeks his release on bail in connection with CR No.134 of 2017 dated 6<sup>th</sup> July, 2017, registered with Nizampura Police Station, for offence punishable under Section 376(2)(i) of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. In short the case of the prosecution is that on the basis of the FIR lodged by the mother of the victim, aged about 1 and ½ years that on 5<sup>th</sup> July, 2017, the Applicant took the victim child along with him and returned to the Informant after some time. Later on, it was found that the child was bleeding from her private part. On the basis of the said information, offence came to be registered and the Applicant came to be arrested on 6<sup>th</sup> July, 2017.

3. Learned counsel for the Applicant submits that irrespective of the merits of the case, the Applicant is in jail over a period of nine years without trial and, on this ground itself the Applicant is entitled for bail. He further informs the Court that the Informant as well as the victim are not traceable and therefore there is no chance that the trial would be commenced and concluded in a reasonable time.

4. Learned APP and learned counsel for the Respondent No.2 opposed the application citing seriousness of the crime as well as the fact that the victim is aged about 1 and ½ years old.

5. Without going into the merits of the case, the facts on record indicates that for over a period of nine years since arrest of the Applicant the trial has not commenced. There is substance in the contention of learned counsel for the Applicant that since the Informant and the victim are not traceable, there is no likelihood of trial commencing within a reasonable time. Only on this ground the Applicant is entitled for bail. Hence, following order.

#### **ORDER**

- i) The Bail Application stands allowed.
- ii) In connection with CR No.134 of 2017 dated 6<sup>th</sup> July, 2017, registered with Nizampura Police Station, the Applicant be enlarged on bail on furnishing PR Bond of Rs.30,000/- with one or two local sureties in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicant shall not tamper with or interfere with the prosecution evidence in any manner whatsoever.

iv) The Applicant shall not contact the victim/Informant in any manner whatsoever.

v) The Applicant is directed to attend all dates of hearing before the Trial Court, unless exempted by specific order.

6. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(R. M. JOSHI, J.)