



**IN THE COURT OF SPECIAL JUDGE
AT PANVEL, DISTRICT- RAIGAD**

SPECIAL CASE NO.149/2022

The State of Maharashtra

--- Prosecution

Vs.

Babul Diley Swargeri

--- Accused

Corum - Santosh C. Shinde

Date – 15th November 2025

Appearance-

Ld. advocate Mr. Amol Khillare for accused

Ld. Spl. P. P. is absent.

Order below exh.12

1. Heard Ld. advocate Mr. Amol Khillare for applicant. Ld. Spl. P. P for the State is absent for argument.
2. Application is filed for regular bail.
3. Notice was issued to victim, State of Maharashtra & Investigation Officer. As say was not filed application is proceeded without say.
4. Perused charge-sheet.
5. FIR is registered by father of victim. FIR shows that on 9th July 2022 at about 4:30 PM informant & his family had gone

in the market and at about 6:00 PM, they returned. That time, victim took the key of the room from him to open he house and went at home. Meantime, informant had gone to purchase some grocery and when he returned, victim was not found in the house He felt that victim might have gone somewhere. Till 7:30 PM victim did not return therefore search was taken but victim was not found therefore on next day complaint was lodged for offence punishable u/s.363 of the IPC.

6. Ld. advocate for accused submitted that FIR is registered against unknown person. Accused is in jail since 2022 and he was arrested on suspicion. It was love affair which was not admissible to family of victim therefore, this false case is registered. There is no progress in trial since on last 3 years. Speedy trial is fundamental right of accused which is violated. Accused has no antecedents. He will not tamper the evidence. He is ready to abide by any condition.
7. This is second bail application filed by accused. His previous bail application was rejected on 16th January 2024 by my Ld. Predecessor for reason that accused is resident of Assam and there is possibility that he may abscond.
8. If allegations against present accused are considered then it is alleged that he has taken away the victim from lawful custody of informant. It is alleged that victim was taken by accused at Ratnagiri where both stayed in a Company in which friend of accused was working. Then, they returned at

Panvel and stayed in the house of one of the friend of accused.

9. It is further alleged that on that day, accused committed sexual intercourse with victim and thereafter, victim was taken at Malegaon where both stayed in a room situated at Jayesh Colony. There also accused committed sexual intercourse with victim. On 24th July 2022 police team reached at Malegaon and took both in custody.
10. When offense was committed, age of victim was 15 years. Statement of victim shows that accused was familiar to her and both were in love. Both had decided to marry but they felt their family will not permit therefore, both decided to run off. Statement of victim further shows that she at her own had joined company of the accused and stayed with him at various places. Nowhere she has stated that accused used force to commit intercourse. No doubt, if age of victim is considered then her consent is immaterial but conduct of the victim shows that she has sufficient understanding about imports of her acts.
11. In present case, accused was arrested on 24th July 2022 and since then he is behind bars. Charge-sheet is filed. Investigation is completed. Charge is not framed against accused. In the month of August this Court is designated as Fast Track Court. More than 1100 case are pending before the Court and record shows that there is no progress in the trial.

12. As pointed out by Ld. advocate for accused the speedy trial is fundamental right of accused. Prosecution has not initiated steps for speeding up the trial which has adversely affected the right of the accused to speedy trial. If nature of offence and witnesses to be examined by prosecution is considered then there is no possibility that the trial will concluded early. Accused has no antecedents. Only for the reason that accused is resident of another State his previous bail application rejected. I am of the view that residence of accused should not be reason for refusing bail to an accused.
13. It should not be ignored that bail is rule and jail is exception. Object of bail cannot be forgotten. Bail cannot be withheld as punishment. It will take time to commence & conclude the trial therefore it would not be proper to keep accused behind bars for indefinite period otherwise it will amount to pre-trial conviction. Accused can be released on bail by imposing certain conditions. As a result, I pass the following order.

ORDER

1. Application is allowed.
2. Accused Babul Diley Swareri be released on bail on furnishing P.B. & S.B. of Rs.20,000/- (Rupees Twenty Thousand) with one or two sureties in like amount in crime No.152/2022 registered at Panvel Taluka Police Station, Navi Mumbai for offences punishable u/s.363 & 376(3) of the IPC & u/s.5 & 6 of the POCSO Act, if he is not required in any other offence.

3. Accused by any mode of communication shall not contact to victim or her family members and he shall not enter the area where victim & her family members ordinarily resides or works for gain.
4. Accused shall attend the trial regularly.
5. Accused shall not leave the jurisdiction of the State of Maharashtra without previous permission of the Court.
6. Accused shall not directly & indirectly make any inducement, threat or promise to any person acquainted with facts and circumstances of the case so as to dissuade him from disclosing such facts from the police & the Court.
7. Accused shall furnish his temporary & permanent residential proof, valid E-mail ID and mobile number.
8. Breach of any condition shall be ground for cancellation of bail.
9. Registry is directed to inform accused about this order on e-mail.

(Application is disposed of accordingly)

Sd/-

Panvel
Date:15/11/2025

(Mr. S. C. Shinde)
Special Judge, Panvel
Dist.-Raigad