

Special Case No.27/2024
State Of Maharashtra Vs.
Sundarlal Batu Kashyap

COMMON ORDER PASSED BELOW REGULAR
AND ANTICIPATORY BAIL APPLICATIONS EX.20
AND 21

(Date: 04.02.2026)

Present application is filed by the accused under section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of bail in crime No.337/2024 registered by P.S. Wani for the offences punishable under section 377 of I.P.C read with section 3(a), 4,5(1), 5(m) and 6 of POCSO Act.

2] As per the application this is 2nd Regular Bail Application filed by the applicant and his previous bail applications were rejected. Thereafter applicant approached to the Hon'ble High Court and his bail application was rejected. No C.A. Report is filed till date and therefore, there is delay in the trial and it is the fundamental right of the applicant to have speedy trial. It is also contended that the wife of the applicant is serious and taking treatment at

house and the applicant being the sole bread earner and necessary to join his job and therefore, he be enlarged on bail. It is further contended that the applicant is innocent and therefore, he is ready to abide all the terms and conditions imposed by the court and therefore prayed for allowing he application.

3] The learned A.PP for the State opposed the application by filing say contending that previous applications of the accused are rejected and since then there is no change in the circumstances. Offence is serious in nature and in case accused is released there is likelihood of tampering evidence and therefore, prayed for rejecting the application.

4] Heard learned counsel for the applicant/accused Shri. Ali submitted that the accused in jail for long period and his wife is suffering serious illness. Moreover, the accused/applicant wants to resign the service and for that he needs to be remain present to comply all the formalities. The C.A. Report submitted on record are negative and therefore,

there is no prima facie case against the accused and prayed for allowing the application.

5] While submitting the argument the learned A.P.P for the State submitted that the documents shows the wife is taking treatment at Fatehpur (U.P.) and the possibility cannot be ruled out that in case even the accused is released on interim bail he will not be traceable and will not be available for further trial. The offences are serious in nature and therefore, in such circumstances the prosecution is ready to co-operate with the trial by examining the witnesses as early as possible and prayed for rejecting the application.

6] After hearing both the side it is the matter of record that the previous bail applications were rejected by this court as well as by the Hon'ble High Court. Therefore, in such circumstances it is necessary to see whether there is any change of circumstances which is in favour of the accused for granting bail. As contended in the application regarding fundamental right the speedy justice prayed by the accused to this the prosecution

has filed C.A. Report on record as well as the muddemal seized during the investigation. That was the only hurdle in proceeding with the trial. But now C.A Report and muddemal are already placed on record and therefore, in such circumstances. In one of the case of the accused the complainant was examined and thereafter it was adjourned and therefore, in this case considering the apprehension as raised by the prosecution regarding the permanent address of the accused at Fatehpur (U.P.). Therefore, considering the apprehension in case the accused is released he may abscond and will not be available for the trial and will cause further delay to the proceeding and the trial.

7] Therefore, in such circumstances as the offences are of serious nature and there is likelihood of absconding accused, the counsel for the accused submitted that the accused will give undertaking and will not abscond. But the said submission cannot be accepted in view of the discussion above and looking to the permanent address of the accused. Therefore, as submitted by the prosecution matter will be taken for trial

as the muddemal is placed on record by the investigation agency and therefore, in such circumstances no case is made out by the accused for releasing him on interim bail application or regular bail application. Therefore, I reject the applications and pass the following order:-

ORDER

Interim and Regular bail applications of the accused Ex.20 and Ex.21 stand **rejected**.

KELAPUR
DATE:04.02.2026

(M.A. Kothari)
Additional Sessions Judge
Kelapur

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