

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 104 OF 2016

Vishal S/o Mahadeo Bhagwat,
Age Major, Occu. Education,
R/o Sugaon, Tal. Ambajogai,
Dist. Beed

.. Applicant

Vs.

The State of Maharashtra
Through Police Inspector,
Police Station, Bardapur,
Tal. Ambajogai, Dist. Beed

.. Respondent

.....
Mr. A.R. Gaikwad, Advocate for the applicant
Mr. U.S. Mote, APP for the respondent-State
.....

CORAM : M.T. JOSHI, J.
DATED : 15/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who is arrested by Bardapur Police Station, Tq. Ambajogai, Dist. Beed in Crime no. 6 of 2015 for the offences punishable under section 376(D), 342, 323, 506 of the Indian Penal Code and under section 4, 18 of the Protection of Children from Sexual Offences Act and under section 3(1)(11)

(12), 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is praying for his release on bail.

3. The complaint as well as the statement of the witnesses would show that the victim of the offence and her family members belong to the Bhill community. They were labours working on sugar-cane cutting at various places. Since some of the members of the group had ran away from the job to Madhya Pradesh, the present applicant as well as his co-accused beat the victim and her brother. In the circumstances, while some of the co-accused had committed forcible sexual intercourse with the victim, the present applicant alongwith another co-accused had confined the victim and her family members in a room and had beaten the victim and other labours. After their release on 17/01/2015, the complaint came to be filed.

4. Learned counsel for the applicant submits that in-fact, the Sessions Judge has framed the charge against the present applicant for the offences

punishable under section 342 r/w. 34, 323 r/w. 34 and 506 r/w. 34 of the Indian Penal Code as the present applicant allegedly was not involved in the alleged offence of rape and also as the present applicant also belongs to scheduled tribe community, the offences punishable under section 3(1)(11)(12), 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act would not be applicable. He submits that the applicant is behind the bar since 24/01/2015 and therefore he be released on bail.

5. Learned A.P.P. on the other hand pointed out that all other witnesses have been examined and the deposition of the Investigating Officer has only to be recorded. The trial may conclude within a period of three months. In the circumstances, he submits that finding that present applicant was involved in facilitating the commission of other offences, as detailed supra, he may not be released on bail.

6. Upon hearing both sides, in my view, since the trial is at the fag end, considering the nature of the

allegations, the applicant cannot be released on bail, however, finding that the trial is at the fag end, it is necessary to direct that the trial be expedited. In the circumstances, the following order:-

7. The Application is hereby dismissed. The learned Sessions Judge is requested to expedite the hearing in the Sessions Case and conclude the same as far as possible, within a period of three (3) months.

[M.T. JOSHI]
JUDGE

arp/-