

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

BAIL APPLICATION NO.1137 OF 2016

Anand Kanhaiya Gupta ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**
.....

Mr.Sachin R. Pawar, Advocate for the Applicant.
Ms.Rutuja Ambekar, APP for the Respondent/State.
....

CORAM : P. N. DESHMUKH J.

DATED : 15th JUNE 2016.

P.C.

1. Accused having been involved in Crime No.I-07 of 2015 registered with Kapurbavadi Police Station on 05/01/2015 for the offences punishable under Section 376(2)(f)(i), 323, 504, 506 of the Indian Penal Code and Section 4 of the Protection of Child from Sexual Offences Act, has filed this application for bail. The case of prosecution is that in the night intervening 25/12/2014 and 26/12/2014 accused being father of minor Kum.Riya, aged 5 years ravished her in his house when mother of the prosecutrix was at her parental home. On the following day, the prosecutrix discloses involvement of her father in such a heinous act to her mother, who lodged the report and offence came to be registered.

2. Having considering the fact that the accused is father of prosecutrix-Riya, who is aged about five years, the learned counsel for the applicant has not seriously pressed for grant of bail, however, has submitted that the trial be expedited by issuing necessary directions to the trial Court.

3. In view of the facts, as aforesaid, and on inquiring with the the learned Additional Public Prosecutor it is stated that the sessions trial in respect charge sheets filed in the year 2013 and 2014 are commenced for recording evidence. Charge sheet in the present crime is stated to be filed on 04/04/2015 before the Special Court. In that view of the matter, I do not find it proper to give directions to the trial Court to dispose of Sessions Case expeditiously by making it time bound to be disposed of within any stipulated period. However, considering the facts involved in the application, and the role of applicant, application, even otherwise, since not pressed on merits, stands disposed of as dismissed with liberty to applicant to file fresh application in the event trial is not commenced within one year.

4. Application is accordingly disposed of.

(P. N. DESHMUKH J.)