

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1227 OF 2017

Mr.Banti Samir Ghosh @ Paul Rodrix ...	Applicant
Vs.	Accused)
The State of Maharashtra ...	Respondent

Ms. Anjali Patil a/w Mr. Arun Rajput. Advocate for the applicant.
Mrs. P.P.Shinde, APP, for the State.
Shri Pradeep Sawant, PSI, Goregaon Police Station present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 28th July, 2017.
(In Chamber at 2.45 p.m.)

P.C.

Heard the learned counsel for the applicant. Perused the report submitted through the Principal Judge, City Civil and Sessions Court, Greater Mumbai. The case is pending before Ms.V.A.Raut, Special Court (POCSO) (Court Room No.12).

2. It is stated in the said report that in fact, the matter was fixed for framing of charge on 26.4.2017. However, the accused was not produced on that day and the matter was adjourned to 4.5.2017. On 4.5.2017 also the accused was not produced and, therefore, the matter was adjourned to 12.5.2017. It is further informed that the charge is framed on 21.7.2017.

3. The learned APP, upon instructions submits that tomorrow i.e.

on 29.7.2017 the matter is posted for compliance under Section 294 of Cr.P.C.

4. It appears that the accused is not being produced before the Special Court on the stipulated date and, therefore, the trial is being protracted. The Jail Authorities as well as the Deputy Commissioner of Police, Armed Police, Tardeo, Mumbai, are hereby directed that in the present case i.e. in Special Case No.346 of 2016, the applicant – Banti Samir Ghosh @ Paul Rodrix be produced before the Special Court on each and every stipulated date. Upon failure, the learned Special Judge shall take appropriate steps to ensure that the accused is produced before the Court. The learned Special Judge is once again directed to conclude the recording of evidence within three months from today.

5. The report is taken on record and marked “X” for the purpose of identification.

6. In the abovementioned circumstances, the learned counsel for the applicant fairly submits that she would not press for the application under Section 439 of Cr.P.C. Hence, the application is dismissed as not pressed. However, it is made clear that the present application i.e. Criminal Bail Application No.1227 of 2017 has not been heard or decided on merits. All contentions are kept open. The learned Special Judge shall not be

influenced by the order dated 24.3.2017 and shall decide the matter on its own merits. The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)