

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR****CRIMINAL APPLICATION (BA) NO.939/2017**

Vasanta Sadashiv Solanke .vs. State of Maharashtra thr.PSO PS Dhanaj, Dist. Washim

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S. V. Sirpurkar, Advocate for applicant.

Mr. J. Y. Ghurde, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 28, 2017

This is the third attempt on the part of the applicant to release him on bail in connection with Crime No.4/2016 registered with Police Station Dhanaj, Dist. Washim for an offence punishable under Sections 377, 376 (2) (k), 212 read with Section 34 of the Indian Penal Code and under Sections 5 (m), (f) and 6 of the Protection of Children from Sexual Offences Act, 2012. The present application is not argued by the learned counsel for the applicant on own merit. He only submits that there is a delay in trial and therefore he is entitled to be released on bail.

The learned A.P.P. has tendered a document downloaded from the website showing case status of Special Case Child Protection No.40/2016 which is pending on the file of Additional Sessions Judge, Washim and is fixed for evidence today.

The learned counsel for the applicant submits that there is no regular Court at Mangrul Pir and therefore there is likelihood of delay in trial.

The applicant has committed heinous offence punishable under Section 377 of the Indian Penal Code with a boy of 12 years and has also committed sexual penetrative assault on two girls aged about 9 and 11 years. The present applicant is Superintendent of Ashram School situated at Pimpri Modak in which these victims were residents. Therefore, looking to the gravity of the offence and looking to the fact that the case is already fixed for evidence, merely because there occurs some delay in disposing of the criminal case, that cannot be the sole ground to release the applicant on bail. No data is placed on record along with the application about the pendency of the sessions trials on the file of the said Court which will also be one of the consideration for considering the delay in deciding the trial. The learned counsel tried to submit that the earlier order passed by this Court in which this Court has directed that the trial should be completed on or before 15.07.2017. Merely because the learned Judge was unable to conduct and finish the trial within the said stipulated period, that cannot be a ground for considering the application for bail for the reasons; (i) grave and serious accusations against the applicant, (ii) looking to his position in the society and looking to the relations with the victim the possibility of influencing the victim cannot be ruled out and (iii) no data is placed on record to show actual pendency of the sessions trials.

This Court is aware about the steps taken by the learned Sessions Judge working in their respective sessions. They face many difficulties while conducting the trials. Therefore merely because the deadline is not adhered to by the learned Sessions Judge that cannot grant any leverage in favour of the applicant to get himself released on bail. The application is rejected.

JUDGE

kahale