

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.914 OF 2018

Akshay @ Tushar Chandrakant Patil,
Age 22 years, Occ.Labour,
R/o.Sector No.8, Room No.17,
Sabhaji Nagar, CBD, Belapur, Navi Mumbai
(Presently at Thane Central Prison)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Vikas Kolekar for applicant.

Ms.A.A.Takalkar, APP, for State.

Mr.R.H.Chavan, PSI, Rabale Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 1st October 2018

PC :

1. The applicant is arrested in CR No.I-1 of 2016 registered with Rabale Police Station for offences under Sections 377, 363, 323 and 504 of Indian Penal Code and under Sections 3, 4, 5(d), 6, 11(ii), 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. The FIR was lodged on 1st January 2016. The prosecution case is that the applicant had sexually assaulted the victim who is aged about 10 years and thereby committed the alleged offence. The investigation is completed and charge sheet is filed. The statement of complainant and the victim child refers to the alleged act committed by the applicant. The eye witnesses had seen the applicant with the victim child. In the circumstances case for grant of bail is not made out. However, it is noted that the applicant is

arrested on 1st January 2016 and he is in custody for a period of about two and half years.

3. Learned APP submitted that the charge has been framed. However, the defence advocate are not proceeding the the trial. Learned counsel for applicant, however, submits that the applicant is in custody and it is difficult to believe that they would delay the trial. Considering the fact that charge is already framed, the trial should proceed expeditiously. Learned APP submits that the prosecution intends to examine about ten witnesses. Considering the fact that the applicant is in custody since January-2016, the Trial Court shall proceed with the case expeditiously and complete the same within six months from today. The applicant shall co-operate in concluding the trial expeditiously. It is expected that both sides will co-operate with the Trial Court in concluding the trial. Criminal Bail Application No.914 of 2018 stands disposed off with above directions.

4. In the event the trial is not concluded within six months, the applicant will be at liberty to prefer a fresh application for bail.

(PRAKASH D. NAIK, J.)

MST